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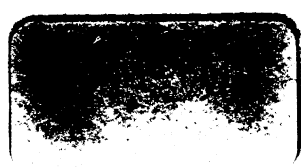
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**PHILIPPINE
ISLANDS
Land Law**

**Laws Relating to Public
Lands
1905**

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L A W S

RELATING TO

PUBLIC LANDS

IN THE

PHILIPPINE ISLANDS

Philippine islands. Laws, statutes, etc. Land law

BUREAU OF INSULAR AFFAIRS
WAR DEPARTMENT
1905

PRESS OF
FRANK L. SIBLEY & COMPANY
BALTIMORE, MD.

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AREA OF THE PUBLIC DOMAIN IN THE PHILIPPINE ISLANDS.

The first Philippine Commission, usually known as the Schurman Commission, in its report states (Part IV, p. 91): "It has been impossible to obtain accurate data or information with reference to the public lands and other public property belonging to the Spanish Government as sovereign in the Archipelago. * * * From general information gathered from various sources, particularly from natives acquainted with the provinces, the opinion has been formed that the public domain in the Archipelago is very large. Some place it as high as one-half of the area of the Archipelago.

"For the most part these lands are in the more remote and inaccessible portions of the islands, being the mountains, the uplands and other lands more or less remote from means of communication. It is said, for instance, that of the province of La Union, which, with respect to mountains, uplands and remote lands, may be taken as an average mountain province, one-half is public domain. These lands are wild and wooded, in many cases with valuable growing timber standing upon them. The mines of coal, iron, copper, gold and other mineral deposits, which by many are believed to abound in the islands, are in a large measure, it is said, to be found upon this public domain. So far as has been learned, the surveys of this land have been meager and very incomplete. When proper means of communication have been developed and proper measures adopted for taking advantage of the benefits of these lands they will doubtless form a large reserve source for the benefit of the government of the islands."

The first report of the Taft Commission, which bears date of November 30, 1900, contains the following statement relative to the public lands: "The total amount of land in the Philippine Islands is approximately 29,694,500 hectares, or 73,345,415 acres. Of this amount it is estimated that about 2,000,000 hectares, or about 4,940,000 acres, are owned by individuals, leaving in public lands 27,694,500 hectares, or 68,405,415 acres. The land has not been surveyed and these are mere estimates. Of the public lands there are about twice or three times as much forest land as there is waste land. The land is most fertile and for the greater part naturally irrigated. There was a very great demand for this land, but owing to the irregularities, frauds and delays in the Spanish system, the natives generally abandoned efforts to secure a good title and contented themselves with remaining on the land as simple squatters, subject to eviction by the State. In 1894 the Minister for the Colonies reported to the Queen of Spain that there were about 200,000 squatters on the public lands, but it is thought by employees in the forestry bureau, who have been in a position to know, that there are fully double that number. In the various islands of the Archipelago the proportion of private land to public land is about as stated above, except in Mindanao, Mindoro and Palawan (Paragua), where the proportion of public land is far greater."

The Chief of the Bureau of Public Lands, in his annual report dated September 1, 1903, makes the following statement relative to the area of the public domain:

"Accurate information on this subject cannot be furnished at the present time, because of the lack of a proper system of surveys and of any trustworthy data among the Spanish land titles in my custody.

"Nearly two years ago I made an examination of the writings of a number of Spanish officials who had served in the Philippines, and upon their statements estimated the total area of the islands at about 72,000,000 or 73,000,000 acres.

"The only information I have in regard to the area of lands now in private ownership is based upon statements of persons who were born in the islands, and who were employed in the Inspección General de Montes, which office was the predecessor, under the Spanish Government, of the present bureau of forestry. These persons estimated that the area in private ownership did not exceed 12,000,000 acres.

"Assuming the correctness of my estimate of 73,000,000 acres for the total area of the islands, that would leave 61,000,000 acres of land belonging to the public domain.

"The chief of the bureau of forestry estimates the forest lands on the public domain at about 40,000,000 acres. This would leave an area of 21,000,000 acres of land not forested, the most of which is agricultural in character, and which will be subject to disposal under the law permitting leasing, selling and homesteading as soon as the act now awaiting the final action of the Commission shall have received the express or implied sanction of Congress."

The latest estimates of the area of the Philippine Islands are those contained in the recent census, and were calculated by Mr. George R. Putnam of the United States Coast and Geodetic Survey, and are as follows:

NUMBER OF ISLANDS HAVING AN AREA OF—

10,000 square miles or more.....	2
1,000 square miles or more and less than 10,000 square miles.....	9
100 square miles or more and less than 1,000 square miles.....	20
10 square miles or more and less than 100 square miles.....	73
1 square mile or more and less than 10 square miles.....	262
0.1 square mile or more and less than 1 square mile.....	728
Less than 0.1 square mile.....	2,046
Total.....	3,141

Total area of the Philippine Islands 115,026 square statute miles.

ISLANDS OF THE PHILIPPINE ARCHIPELAGO HAVING AN AREA LARGER THAN 100 SQUARE MILES.

Order	Island	Area in Sq. mi.	Order	Island	Area in Sq. Mi.
1	Luzón.....	40,969	17	Joló.....	326
2	Mindanao.....	36,292	18	Tablas.....	324
3	Sámar.....	5,031	19	Dinágat.....	309
4	Negros.....	4,881	20	Tawi Tawi.....	232
5	Panay.....	4,611	21	Guimará.....	228
6	Paragua.....	4,027	22	Burias.....	197
7	Mindoro.....	3,851	23	Billiran.....	190
8	Leyte.....	2,722	24	Sibuyán.....	171
9	Cebú.....	1,762	25	Culión.....	153
10	Bohol.....	1,441	26	Siargao.....	151
11	Masbate.....	1,236	27	Sámal.....	147
12	Catanduanes.....	682	28	Balábac.....	122
13	Basilan.....	478	29	Dumaran.....	122
14	Busuafña.....	390	30	Ticao.....	121
15	Marinduque.....	352	31	Siquiljor.....	106
16	Polillo.....	333			

The above areas include, of course, all the land in the islands and give no information as to the amount of the public domain. From other data furnished by the census it is possible to arrive at the amount of land devoted to agriculture. In discussing the agricultural lands the census states:

"In most sections of the Philippine Islands the lands used for agriculture, located within the limits of territory having a Christian population, are greatly subdivided, and, consequently, individual holdings are frequently of very small areas. Nearly half the parcels of occupied lands to which the tables relate (49.8 per cent.) are less than one hectare (2.471 acres) in size; while thousands of tracts, the total number of which constitutes 21.7 per cent. of the holdings embraced by the tables, are smaller than 35 ares, and are being equivalent to 0.0247 of an acre, or about 1,075 square feet. These small parcels of land, many of them no larger than ordinary kitchen gardens in the United States, are resided upon by, cultivated by, and contribute materially to the subsistence of their owners and occupants; and the presentation of agricultural statistics for the Philippines would be extremely faulty and incomplete were they not included. They are, however, too small to be properly called 'farms.' For convenience, however, in discussing the tables, all agricultural holdings will be referred to as 'farms,' regardless of size.

"The people of the Philippines are extremely gregarious. The isolated farmhouse, so familiar in rural sections throughout the United States, is practically unknown in these islands, whose inhabitants almost universally live in communities and largely subsist on such products of the soil as can be cultivated or gathered from wild growths in the immediate vicinity of their dwelling places.

"This custom of herding together is not due alone to the social, company-loving disposition of the people. It has been rendered necessary by the ladronism and the raids of Moros that prevailed

throughout the islands for centuries. The piratical Moros have, in earlier times, raided the islands as far north as Northern Luzon, until half a century ago Spain put a stop to it. These, with the marauding bands of ladrones that have infested the most productive portions of the archipelago, have rendered farm life, in the American sense, impracticable, and have forced the people to live in more or less closely settled communities for purposes of protection and defense against the incursions of the robbers. This has been one of the greatest obstacles in the way of agricultural development and is in a large degree the cause of the numerous small land holdings. Another reason is the great productiveness of the soil and the variety of crops that can be raised on a small piece of land.

"The spaces of land between their villages are, as a rule, unpopulated, and these intervening tracts, frequently of great extent, are almost wholly uncultivated and practically unused, except in a limited way for grazing purposes or in the utilization of such wild growths of fruits, vegetables or fiber plants as they produce. The average size of all farms in the Philippines is only 346.8 ares, equivalent to 8.57 acres. In the United States the average size of all farms is shown by the census of 1900 to have been 146.6 acres, making a ratio as to size of about 17 to 1.

"The small proportion of land in farms or agricultural lands, as compared with the total areas of the various provinces, comandancias and islands, is shown by the two following tables:

TOTAL AREA AND AREA OF AGRICULTURAL LAND, BY PROVINCES AND COMANDANCIAS, ARRANGED IN THE ORDER OF THE MAGNITUDE OF THE PERCENTAGE OF AGRICULTURAL LANDS REPORTED.

In order of magnitude	Province or Comandancia	Area in hectares (5)		Per cent. agricultural
		Total	Agricultural	
	Philippine Islands.....	29,791,734	2,827,704	9.5
1	La Laguna.....	162,911	86,426	51.1
2	Pampanga.....	224,812	105,677	47.0
3	Sorsogón.....	195,545	88,829	45.4
4	Pangasinán.....	308,987	119,771	38.8
5	Ilocos Sur.....	121,989	47,176	38.7
6	Batangas.....	311,059	117,422	37.7
7	Iloilo.....	524,993	176,955	33.7
8	Bulacán.....	303,807	90,220	29.7
9	La Unión.....	164,206	43,077	26.2
10	Cebu.....	502,201	130,624	26.0
11	Cavite.....	160,321	40,881	25.5
12	Tarlac.....	312,095	78,923	25.3
13	Albay.....	461,797	116,084	25.1
14	Capiz.....	452,991	108,692	24.0
15	Negros Occidental.....	810,670	177,642	21.9
16	Abra.....	303,289	52,086	17.2
17	Leyte.....	779,072	133,620	17.2
18	Ilocos Norte.....	344,470	55,633	16.2
19	Nueva Ecija.....	561,771	90,367	16.1
20	Romblón.....	148,407	23,546	15.9
21	Bohol.....	391,349	58,098	14.8
22	Manila City.....	5,180	738	14.2
23	Ambos Camarines.....	849,261	106,371	12.5
24	Cagayán.....	1,308,468	138,166	10.6
25	Antique.....	293,706	27,194	9.3
26	Zambales.....	550,375	45,917	8.3
27	Negros Oriental.....	482,776	37,971	7.9
28	Rizal.....	189,847	14,787	7.8
29	Samar.....	1,366,484	101,481	7.4
30	Tayabas (1).....	1,645,686	120,754	7.3
31	Misamis.....	978,243	59,269	6.1
32	Bataan.....	139,083	8,232	5.9
33	Isabella.....	1,299,662	67,716	5.2
34	Mindoro.....	1,042,216	42,424	4.1
35	Surigao.....	1,809,892	49,060	2.7
36	Masbate.....	406,371	9,798	2.4
37	Basilan (2).....	134,680	2,276	1.7
38	Paragua.....	618,751	9,032	1.5
39	Zamboanga (2).....	791,504	10,588	1.3
40	Dapitan (2).....	521,885	5,374	1.0
41	Nueva Vizcaya.....	505,050	4,421	0.9
42	Davao (2).....	2,514,113	16,343	0.7
43	Siassi (2).....	23,051	133	0.6
44	Lepanto-Bontoc.....	519,295	1,741	0.3
45	Cottabato (2).....	3,052,574	5,286	0.2
46	Paragua Sur (2).....	737,891	626	0.1
47	Benguet.....	212,898	233	0.1
48	Joló (2).....	142,450	23	(3)
	Tawi Tawi (2).....	103,600	(4)	(4)

1 Including the subprovinces, Marinduque.

2 Comandancia.

3 Less than one-tenth of 1 per cent.

4 No agricultural land reported.

5 One hectare equals 2.471 acres.

TOTAL AREA AND AREA OF AGRICULTURAL LAND, BY ISLANDS, ARRANGED IN THE ORDER OF THE MAGNITUDE OF THE PERCENTAGE OF AGRICULTURAL LAND.

In order of magnitude	Island	Area in hectares		Per cent. agricultural
		Total	Agricultural	
	Philippine Islands.....	29,791,734	2,827,704	9.5
1	Cebu.....	456,358	119,989	26.3
2	Panay.....	1,194,249	294,487	24.7
3	Leyte.....	704,998	123,754	17.6
4	Marinduque.....	91,168	15,598	17.1
5	Negros.....	1,264,179	210,452	16.6
6	Luzon.....	10,610,971	1,592,288	15.1
7	Bohol.....	373,219	53,160	14.2
8	Samar.....	1,303,029	85,892	6.6
9	Mindoro.....	997,409	39,138	3.9
10	Masbate.....	320,124	5,222	1.6
11	Mindanao.....	9,399,628	127,534	1.4
	All other islands.....	3,076,402	160,190	5.2

These estimates reduced to acres give for the entire Archipelago 73,615,374 acres, of which 6,987,256 were in farms. It is not known whether the land reported by the census as being in farms or agricultural lands includes all the land of private ownership, but comparing the census figures with the previous estimates given it would appear that most of the private land is thus included.

The three estimates that have been made of the lands in the islands placed in tabular form are as follows:

Authority	Total area in acres	Public domain in acres
Taft Commission	73,345,415	68,405,415
Chief Bureau Public Lands.....	73,000,000	61,000,000
Census estimate.....	73,615,374	66,628,118

It will be seen by reference to the table on page 9 that but one province, La Laguna, has over 50 per cent. of land in farms, while the great island of Mindanao reports but 1.4 per cent. of the land as being in farms.

CONGRESSIONAL LEGISLATION.

The Act of Congress approved July 1, 1902, entitled, "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," granted authority to the Philippine Commission to dispose of the public domain under the conditions set forth therein. The above Act was amended in certain sections by the Act of February 6, 1905, which changed the original measurements from acres, feet, etc., to the metric system of measurements, and the law as printed herewith includes all the legislation by Congress relative to the lands of the Philippine Islands at present in force.

The sections of the Act of July 1, 1902, relating to public lands are printed without quotations, and sections 22, 23, 24, 25, 29, 31, 36, 37, 39, 53 and 58 of the Act of February 6, 1905, which are substituted for said sections in the original Act, are printed with quotations.

All the Acts and regulations of the Philippine Commission are based upon these two Acts of Congress.

SECTIONS OF THE ACT OF JULY 1, 1902, AND OF THE ACT OF FEBRUARY 6, 1905, RELATING TO PUBLIC LANDS IN THE PHILIPPINE ISLANDS.

SEC. 12. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, except as provided in this Act.

SEC. 13. That the government of the Philippine Islands, subject to the provisions of this Act and except as herein provided, shall classify according to its agricultural character and productiveness, and shall immediately make rules and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President and when approved by the President they shall be submitted by him to Congress at the beginning of the next ensuing session thereof and unless disapproved or amended by Congress at said session they shall at the close of such period have the force and effect of law in the Philippine Islands: *Provided*, That a single homestead entry shall not exceed sixteen hectares in extent.

SEC. 14. That the government of the Philippine Islands is hereby authorized and empowered to enact rules and regulations and to prescribe terms and conditions to enable persons to perfect their title to public lands in said Islands, who, prior to the transfer of sovereignty from Spain to the United States, had fulfilled all or some of the con-

ditions required by the Spanish laws and royal decrees of the Kingdom of Spain for the acquisition of legal title thereto yet failed to secure conveyance of title; and the Philippine Commission is authorized to issue patents, without compensation, to any native of said Islands, conveying title to any tract of land not more than sixteen hectares in extent, which were public lands and had been actually occupied by such native or his ancestors prior to and on the thirteenth of August, eighteen hundred and ninety-eight.

✓ SEC. 15. That the government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands, of the United States in said islands as it may deem wise, not exceeding sixteen hectares to any one person and for the sale and conveyance of not more than one thousand and twenty-four hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

✓ SEC. 16. That in granting or selling any part of the public domain under the provisions of the last preceding section, preference in all cases shall be given to actual occupants and settlers; and such public lands of the United States in the actual possession or occupancy of any native of the Philippine Islands shall not be sold by said government to any other person without the consent thereto of said prior occupant or settler first had and obtained: *Provided*, That the prior right hereby secured to an occupant of land, who can show no other proof of title than possession, shall not apply to more than sixteen hectares in any one tract.

SEC. 17. That timber, trees, forests, and forest products on lands leased or demised by the government of the Philippine Islands under the provisions of this Act shall not be cut, destroyed, removed, or appropriated except by special permission of said government and under such regulations as it may prescribe.

All moneys obtained from lease or sale of any portion of the public domain or from licenses to cut timber by the government of the Philippine Islands shall be covered into the insular treasury and be subject only to appropriation for insular purposes according to law.

SEC. 18. That the forest laws and regulations now in force in the Philippine Islands, with such modifications and amendments as may be made by the government of said islands, are hereby continued in force, and no timber lands forming part of the public domain shall be sold, leased, or entered until the government of said islands, upon the certification of the forestry bureau that said lands are more valuable

for agriculture than for forest uses, shall declare such lands so certified to be agricultural in character: *Provided*, That the said government shall have the right and is hereby empowered to issue licenses to cut, harvest, or collect timber or other forest products on reserved or unreserved public lands in said islands in accordance with the forest laws and regulations hereinbefore mentioned and under the provisions of this Act, and the said Government may lease land to any person or persons holding such licenses, sufficient for a mill site, not to exceed four hectares in extent, and may grant rights of way to enable such person or persons to get access to the lands to which such licenses apply.

SEC. 19. That the beneficial use shall be the basis, the measure, and the limit of all rights to water in said islands, and the government of said islands is hereby authorized to make such rules and regulations for the use of water, and to make such reservations of public lands for the protection of the water supply, and for other public purposes not in conflict with the provisions of this Act, as it may deem best for the public good.

MINERAL LANDS.

SEC. 20. That in all cases public lands in the Philippine Islands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

SEC. 21. That all valuable mineral deposits in public lands in the Philippine Islands, both surveyed and unsurveyed, are hereby declared to be free and open to exploration, occupation, and purchase, and the land in which they are found to occupation and purchase, by citizens of the United States, or of said Islands: *Provided*, That when on any lands in said islands entered and occupied as agricultural lands under the provisions of this Act, but not patented, mineral deposits have been found, the working of such mineral deposits is hereby forbidden until the person, association, or corporation who or which has entered and is occupying such lands shall have paid to the government of said islands such additional sum or sums as will make the total amount paid for the mineral claim or claims in which said deposits are located equal to the amount charged by the government for the same as mineral claims.

"SEC. 22. That mining claims upon land containing veins or lodes of quartz or other rock in place-bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits located after the passage of this Act, whether located by one or more persons qualified to locate the same under the preceding section, shall be located in the following manner and under the following conditions: Any person so qualified desiring to locate a mineral claim shall, subject to the provisions of this Act with respect to land which may be used for mining, enter upon the same and locate a plat of ground measuring, where possible, but not exceeding three hundred meters in length by three hundred meters in breadth, in as nearly as possible a rectangular form; that is to say, all angles shall be right angles, except in cases where a boundary line of a previously surveyed claim is adopted as common to both claims, but the lines need not necessarily be meridional. In defining

the size of a mineral claim it shall be measured horizontally, irrespective of inequalities of the surface of the ground.

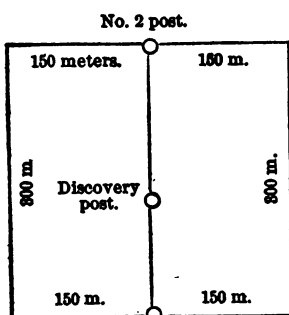
"SEC. 23. That a mineral claim shall be marked by two posts, placed as nearly as possible on the line of the ledge or vein, and the posts shall be numbered one and two, and the distance between posts numbered one and two shall not exceed three hundred meters, the line between posts numbered one and two to be known as the location line; and upon posts numbered one and two shall be written the name given to the mineral claim, the name of the locator, and the date of the location. Upon post numbered one there shall be written, in addition to the foregoing, 'Initial post,' the approximate compass bearing off post numbered two, and a statement of the number of meters lying to the right and to the left of the line from post numbered one to post numbered two, thus: 'Initial post. Direction of post numbered two . . . meters of this claim lie on the right and

meters on the left of the line from number one to number two post.' All the particulars required to be put on number one and number two posts shall be furnished by the locator to the provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, in writing, at the time the claim is recorded, and shall form a part of the record of such claim.

"SEC. 24. That when a claim has been located the holder shall immediately mark the line between posts numbered one and two so that it can be distinctly seen. The locator shall also place a post at the point where he has found minerals in place, on which shall be written 'Discovery post:' *Provided*, That when the claim is surveyed the surveyor shall be guided by the records of the claim, the sketch plan on the back of the declaration made by the owner when the claim was recorded, posts numbered one and two, and the notice on number one, the initial post.

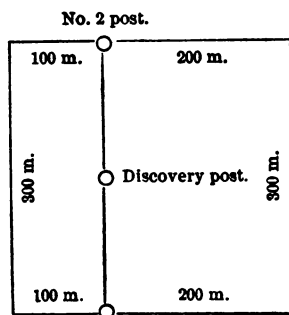
"EXAMPLES OF VARIOUS MODES OF LAYING OUT CLAIMS.

1.



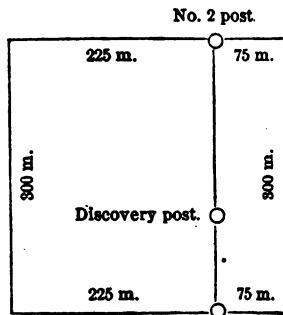
No. 1 post.

2.



No. 1 post.

3.



No. 1 post.

"SEC. 25. That it shall not be lawful to move number one post, but number two post may be moved by the deputy mineral surveyor when the distance between posts numbered one and two exceeds three hundred meters, in order to place number two post three hundred meters

from number one post on the line of location. When the distance between posts numbered one and two is less than three hundred meters, the deputy mineral surveyor shall have no authority to extend the claim beyond number two."

SEC. 26. That the "location line" shall govern the direction of one side of the claim, upon which the survey shall be extended according to this Act.

SEC. 27. That the holder of a mineral claim shall be entitled to all minerals which may lie within his claim, but he shall not be entitled to mine outside the boundary lines of his claim continued vertically downward: *Provided*, That this Act shall not prejudice the rights of claim owners nor claim holders whose claims have been located under existing laws prior to this Act.

SEC. 28. That no mineral claim of the full size shall be recorded without the application being accompanied by an affidavit made by the applicant or some person on his behalf cognizant of the facts—that the legal notices and posts have been put up; that mineral has been found in place on the claim proposed to be recorded; that the ground applied for is unoccupied by any other person. In the said declaration shall be set out the name of the applicant and the date of the location of the claim. The words written on the number one and number two posts shall be set out in full, and as accurate a description as possible of the position of the claim given with reference to some natural object or permanent monuments.

"SEC. 29. That no mineral claim which, at the date of its record, is known by the locator to be less than a full-sized mineral claim, shall be recorded without the word 'fraction' being added to the name of the claim, and the application being accompanied by an affidavit or solemn declaration made by the applicant or some person on his behalf cognizant of the facts: That the legal posts and notices have been put up; that mineral has been found in place on the fractional claim proposed to be recorded; that the ground applied for is unoccupied by any other person. In the said declaration shall be set out the name of the applicant and the date of the location of the claim. The words written on the posts numbered one and two shall be set out in full, and as accurate a description as possible of the position of the claim given. A sketch plan shall be drawn by the applicant on the back of the declaration, showing as near as may be the position of the adjoining mineral claims and the shape and size, expressed in meters, of the claim or fraction desired to be recorded: *Provided*, That the failure on the part of the locator of a mineral claim to comply with any of the foregoing provisions of this section shall not be deemed to invalidate such location if, upon the facts, it shall appear that such locator has actually discovered mineral in place on said location and that there has been on his part a bona fide attempt to comply with the provisions of this Act, and that the nonobservance of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity."

SEC. 30. That in cases where, from the nature or shape of the ground, it is impossible to mark the location line of the claim as provided by this Act then the claim may be marked by placing posts as

nearly as possible to the location line, and noting the distance and direction such posts may be from such location line, which distance and direction shall be set out in the record of the claim.

"SEC. 31. That every person locating a mineral claim shall record the same with the provincial secretary, or such other officer as by the government of the Philippine Islands may be described as mining recorder of the district within which the same is situate, within thirty days after the location thereof. Such record shall be made in a book to be kept for the purpose in the office of the said provincial secretary or such other officer as by said government described as mining recorder, in which shall be inserted the name of the claim, the name of each locator, the locality of the mine, the direction of the location line, the length in meters, the date of location, and the date of the record. A claim which shall not have been recorded within the prescribed period shall be deemed to have been abandoned."

SEC. 32. That in case of any dispute as to the location of a mineral claim the title to the claim shall be recognized according to the priority of such location, subject to any question as to the validity of the record itself and subject to the holder having complied with all the terms and conditions of this Act.

SEC. 33. That no holder shall be entitled to hold in his, its, or their own name or in the name of any other person, corporation, or association more than one mineral claim on the same vein or lode.

SEC. 34. That a holder may at any time abandon any mineral claim by giving notice, in writing, of such intention to abandon, to the provincial secretary or such other officer as by the government of the Philippine Islands may be described as mining recorder; and from the date of the record of such notice all his interest in such claim shall cease.

SEC. 35. That proof of citizenship under the clauses of this Act relating to mineral lands may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, or of the Philippine Islands, by the filing of a certified copy of their charter or certificate of incorporation.

"SEC. 36. That the United States Philippine Commission or its successors may make regulations, not in conflict with the provisions of this Act, governing the location, manner of recording, and amount of work necessary to hold possession of a mining claim, subject to the following requirements:

"On each claim located after the passage of this Act, and until a patent has been issued therefor, not less than two hundred pesos' worth of labor shall be performed or improvements made during each year: *Provided*, That upon a failure to comply with these conditions the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives have not resumed work upon the claim after failure and before such location. Upon the failure of any

one of several coowners to contribute his proportion of the expenditures required thereby, the coowners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent coowners personal notice in writing, or notice by publication in the newspaper published nearest the claim, and in two newspapers published at Manila, one in the English language and the other in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands, for at least once a week for ninety days, and if, at the expiration of ninety days after such notice in writing or by publication, such delinquent shall fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his coowners who have made the required expenditures. The period within which the work required to be done annually on all unpatented mineral claims shall commence on the first day of January succeeding the date of location of such claim.

"SEC. 37. That a patent for any land claimed and located for valuable mineral deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this Act, having claimed and located a piece of land for such purposes, who has or have complied with the terms of this Act, may file in the office of the provincial secretary, or such other officer as by the government of said islands may be described as mining recorder of the province wherein the land is located, an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the chief of the Philippine insular bureau of public lands, showing accurately the boundaries of the claim, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such office, and shall thereupon be entitled to a patent for the lands, in the manner following: The provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such an application has been made, once a week for the period of sixty days, in a newspaper to be by him designated as nearest to such claim, and in two newspapers published at Manila, one in the English language and one in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter within the sixty days of publication, shall file with the provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, a certificate of the chief of the Philippine insular bureau of public lands that one thousand pesos' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with

such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the provincial secretary, or such other officer as by the government of said islands may be described as mining recorder, at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent upon the payment to the provincial treasurer, or the collector of internal revenue, of twenty-five pesos per hectare, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this Act: *Provided*, That where the claimant for a patent is not a resident of or within the province wherein the land containing the vein, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent where said agent is conversant with the facts sought to be established by said affidavits."

SEC. 38. That applicants for mineral patents, if residing beyond the limits of the province or military department wherein the claim is situated, may make the oath or affidavit required for proof of citizenship before the clerk of any court of record, or before any notary public of any province of the Philippine Islands, or any other official in said islands authorized by law to administer oaths.

"SEC. 39. That where an adverse claim is filed during the period of publication it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavits thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession and prosecute the same with reasonable diligence to final judgment, and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the provincial secretary, or such other officer as by the government of the Philippine Islands may be described as mining recorder, together with the certificate of the chief of the Philippine insular bureau of public lands that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the provincial treasurer or the collector of internal revenue of the province in which the claim is situated, as the case may be, twenty-five pesos per hectare for his claim, together with the proper fees, whereupon

the whole proceedings and the judgment roll shall be certified by the provincial secretary, or such other officer as by said government may be described as mining recorder, to the secretary of the interior of the Philippine Islands, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, rightly to possess. The adverse claim may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the province wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record, or any notary public of any province or military department of the Philippine Islands, or any other officer authorized to administer oaths where the adverse claimant may then be. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the chief of the Philippine insular bureau of public lands, whereupon the provincial secretary or such other officer as by the government of said islands may be described as mining recorder shall certify the proceedings and judgment roll to the secretary of the interior for the Philippine Islands, as in the preceding case, and patents shall issue to the several parties according to their respective rights. If, in any action brought pursuant to this section, title to the ground in controversy shall not be established by either party, the court shall so find, and judgment shall be entered accordingly. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the office of the provincial secretary or such other officer as by the government of said islands may be described as mining recorder or be entitled to a patent for the ground in controversy until he shall have perfected his title. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining claim to any person whatever."

SEC. 40. That the description of mineral claims upon surveyed lands shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands the chief of the Philippine insular bureau of public lands in extending the surveys shall adjust the same to the boundaries of such patented claim according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

SEC. 41. That any person authorized to enter lands under this Act may enter and obtain patent to lands that are chiefly valuable for building stone under the provisions of this Act relative to placer mineral claims.

SEC. 42. That any person authorized to enter lands under this Act may enter and obtain patent to lands containing petroleum or other mineral oils and chiefly valuable therefor under the provisions of this Act relative to placer mineral claims.

SEC. 43. That no location of a placer claim shall exceed sixty-four hectares for any association of persons, irrespective of the number of persons composing such association, and no such location shall include more than eight hectares for an individual claimant. Such locations shall conform to the laws of the United States Philippine Commission, or its successors, with reference to public surveys, and nothing in this section contained shall defeat or impair any bona fide ownership of land for agricultural purposes or authorize the sale of the improvements of any bona fide settler to any purchaser.

SEC. 44. That where placer claims are located upon surveyed lands and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims located after the date of passage of this Act shall conform as nearly as practicable to the Philippine system of public-land surveys and the regular subdivisions of such surveys; but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than sixteen hectares shall remain, such fractional portion of agricultural land may be entered by any party qualified by law for homestead purposes.

SEC. 45. That where such person or association, they and their grantors have held and worked their claims for a period equal to the time prescribed by the statute of limitations of the Philippine Islands, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this Act, in the absence of any adverse claim; but nothing in this Act shall be deemed to impair any lien which may have attached in any way whatever prior to the issuance of a patent.

SEC. 46. That the chief of the Philippine insular bureau of public lands may appoint competent deputy mineral surveyors to survey mining claims. The expenses of the survey of vein or lode claims and of the survey of placer claims, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any such deputy mineral surveyor to make the survey. The chief of the Philippine insular bureau of public lands shall also have power to establish the maximum charges for surveys and publication of notices under this Act; and in case of excessive charges for publication he may designate any newspaper published in a province where mines are situated, or in Manila, for the publication of mining notices and fix the rates to be charged by such paper; and to the end that the chief of the bureau of public lands may be fully informed on the subject such applicant shall file with the provincial secretary, or such other officer as by the government of the Philippine Islands may be described as mining recorder, a sworn statement of all charges and fees paid by such applicant for publication and surveys, and of all fees and money paid the provincial treasurer or the collector of internal revenue, as the case may be, which statement shall be transmitted, with the other papers in the case, to the secretary of the interior for the Philippine Islands.

SEC. 47. That all affidavits required to be made under this Act may be verified before any officer authorized to administer oaths within the province or military department where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the proper provincial secretary or such other officer as by the government of the Philippine Islands may be described as mining recorder. In cases of contest as to the mineral or agricultural character of land the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party can not be found, then by publication at least once a week for thirty days in a newspaper to be designated by the provincial secretary or such other officer as by said government may be described as mining recorder published nearest to the location of such land and in two newspapers published in Manila, one in the English language and one in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands; and the provincial secretary or such other officer as by said government may be described as mining recorder shall require proofs that such notice has been given.

SEC. 48. That where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location of such nonadjacent land shall exceed two hectares, and payment for the same must be made at the same rate as fixed by this Act for the superficies of the lode. The owner of a quartz mill or reduction works not owning a mine in connection therewith may also receive a patent for his mill site as provided in this section.

SEC. 49. That as a condition of sale the Government of the Philippine Islands may provide rules for working, policing, and sanitation of mines, and rules concerning easements, drainage, water rights, right of way, right of Government survey and inspection, and other necessary means to their complete development not inconsistent with the provisions of this Act, and those conditions shall be fully expressed in the patent. The Philippine Commission or its successors are hereby further empowered to fix the bonds of deputy mineral surveyors.

SEC. 50. That whenever by priority of possession rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed, but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the

public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 51. That all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under or recognized by the preceding section.

SEC. 52. That the Government of the Philippine Islands is authorized to establish land districts and provide for the appointment of the necessary officers wherever they may deem the same necessary for the public convenience, and to further provide that in districts where land offices are established proceedings required by this Act to be had before provincial officers shall be had before the proper officers of such land offices.

"SEC. 53. That every person above the age of twenty-one years who is a citizen of the United States or of the Philippine Islands, or who has acquired the right of a native of said islands under and by virtue of the treaty of Paris, or any association of persons severally qualified as above, shall, upon application to the proper provincial treasurer, have the right to enter any quality of vacant coal lands of said islands, not otherwise appropriated or reserved by competent authority, not exceeding sixty-four hectares to such individual person, or one hundred and twenty-eight hectares to such association upon payment to the provincial treasurer or the collector of internal revenue, as the case may be, of not less than fifty pesos per hectare for such lands, where the same shall be situated more than twenty-five kilometers from any completed railroad or available harbor or navigable stream, and not less than one hundred pesos per hectare for such lands as shall be within twenty-five kilometers of such road, harbor, or stream: *Provided*, That such entries shall be taken in squares of sixteen or sixty-four hectares, in conformity with the rules and regulations governing the public-land surveys of the said islands in plotting legal subdivisions."

SEC. 54. That any person or association of persons, severally qualified as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry under the preceding section of the mines so opened and improved.

SEC. 55. That all claims under the preceding section must be presented to the proper provincial secretary within sixty days after the date of actual possession and the commencement of improvements on the land by the filing of a declaratory statement therefor; and where the improvements shall have been made prior to the expiration of three months from the date of the passage of this Act, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement; and no sale under the provisions of this Act shall be allowed until the expiration of six months from the date of the passage of this Act.

SEC. 56. That the three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons, any member of which shall have taken the

benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such section shall enter or hold any other lands under their provisions; and all persons claiming under section fifty-eight shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

SEC. 57. That in case of conflicting claims upon coal lands where the improvements shall be commenced after the date of the passage of this Act, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference right to purchase. And also where improvements have already been made prior to the passage of this Act, division of the land claimed may be made by legal subdivisions, which shall conform as nearly as practicable with the subdivisions of land provided for in this Act, to include as near as may be the valuable improvements of the respective parties. The Government of the Philippine Islands is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and preceding sections relating to mineral lands.

“SEC. 58. That whenever it shall be made to appear to the secretary of any province or the commander of any military department in the Philippine Islands that any lands within the province are saline in character, it shall be the duty of said provincial secretary or commander, under the regulations of the government of the Philippine Islands, to take testimony in reference to such lands, to ascertain their true character, and to report the same to the secretary of the interior for the Philippine Islands; and if upon such testimony the secretary of the interior shall find that such lands are saline and incapable of being purchased under any of the laws relative to the public domain, then and in such case said lands shall be offered for sale at the office of the provincial secretary, or such other officer as by the said government may be described as mining recorder of the province or department in which the same shall be situated, as the case may be, under such regulations as may be prescribed by said government and sold to the highest bidder for cash at a price of not less than six pesos per hectare; and in case such lands fail to sell when so offered, then the same shall be subject to private sale at such office, for cash, at a price not less than six pesos per hectare, in the same manner as other lands in the said islands are sold. All executive proclamations relating to the sales of public saline lands shall be published in only two newspapers, one printed in the English language and one in the Spanish language, at Manila; which shall be designated by said secretary of the interior.”

SEC. 59. That no Act granting lands to provinces, districts, or municipalities to aid in the construction of roads, or for other public purposes, shall be so construed as to embrace mineral lands, which, in all cases, are reserved exclusively, unless otherwise specially provided in the Act or Acts making the grant.

SEC. 60. That nothing in this Act shall be construed to affect the rights of any person, partnership, or corporation having a valid, perfected mining concession granted prior to April eleventh, eighteen hundred and ninety-nine, but all such concessions shall be conducted under the provisions of the law in force at the time they were granted, subject at all times to cancellation by reason of illegality in the procedure by which they were obtained, or for failure to comply with the conditions prescribed as requisite to their retention in the laws under which they were granted: *Provided*, That the owner or owners of every such concession shall cause the corners made by its boundaries to be distinctly marked with permanent monuments within six months after this Act has been promulgated in the Philippine Islands, and that any concessions the boundaries of which are not so marked within this period shall be free and open to explorations and purchase under the provisions of this Act.

SEC. 61. That mining rights on public lands in the Philippine Islands shall, after the passage of this Act, be acquired only in accordance with its provisions.

SEC. 62. That all proceedings for the cancellation of perfected Spanish concessions shall be conducted in the courts of the Philippine Islands having jurisdiction of the subject-matter and of the parties, unless the United States Philippine Commission, or its successors, shall create special tribunals for the determination of such controversies.

AUTHORITY FOR THE PHILIPPINE ISLANDS GOVERNMENT TO PURCHASE
LANDS OF RELIGIOUS ORDERS AND OTHERS AND ISSUE BONDS FOR PURCHASE PRICE.

SEC. 63. That the government of the Philippine Islands is hereby authorized, subject to the limitations and conditions prescribed in this Act, to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain.

SEC. 64. That the powers hereinbefore conferred in section sixty-three may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the thirteenth of August, eighteen hundred and ninety-eight, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as in the opinion of the Commission injuriously to affect the peace and welfare of the people of the Philippine Islands. And for the purpose of providing funds to acquire the lands mentioned in this section said government of the Philippine Islands is hereby empowered to incur indebtedness, to borrow money, and to issue, and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands, upon such terms and conditions as it may deem best, registered or coupon bonds of said government for such amount as may be necessary, said bonds to be in denominations of fifty dollars or any multiple thereof, bearing interest at a rate not exceeding four and a half per centum per annum, payable quarterly, and to be payable at the pleasure of

said government after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with interest thereon, in gold coin of the United States of the present standard value or the equivalent in value in money of said Islands; and said bonds shall be exempt from the payment of all taxes or duties of said government, or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under State, municipal, or local authority in the United States or the Philippine Islands. The moneys which may be realized or received from the issue and sale of said bonds shall be applied by the government of the Philippine Islands to the acquisition of the property authorized by this section, and to no other purposes.

SEC. 65. That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this Act: *Provided*, That all deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by the preceding section and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said government.

INSULAR LEGISLATION.

[No. 926.] AN ACT PRESCRIBING RULES AND REGULATIONS GOVERNING THE HOMESTEADING, SELLING, AND LEASING OF PORTIONS OF THE PUBLIC DOMAIN OF THE PHILIPPINE ISLANDS, PRESCRIBING TERMS AND CONDITIONS TO ENABLE PERSONS TO PERFECT THEIR TITLES TO PUBLIC LANDS IN SAID ISLANDS, PROVIDING FOR THE ISSUANCE OF PATENTS WITHOUT COMPENSATION TO CERTAIN NATIVE SETTLERS UPON THE PUBLIC LANDS, PROVIDING FOR THE ESTABLISHMENT OF TOWN SITES AND SALE OF LOTS THEREIN, AND PROVIDING FOR THE DETERMINATION BY THE PHILIPPINES COURT OF LAND REGISTRATION OF ALL PROCEEDINGS FOR COMPLETION OF IMPERFECT TITLES AND FOR THE CANCELLATION OR CONFIRMATION OF SPANISH CONCESSIONS AND GRANTS IN SAID ISLANDS, AS AUTHORIZED BY SECTIONS THIRTEEN, FOURTEEN, FIFTEEN, AND SIXTY-TWO OF THE ACT OF CONGRESS OF JULY FIRST, NINETEEN HUNDRED AND TWO, ENTITLED "AN ACT TEMPORARILY TO PROVIDE FOR THE ADMINISTRATION OF THE AFFAIRS OF CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES."*

By authority of the United States, be it enacted by the Philippine Commission, that:

CHAPTER I.

HOMESTEADS ON THE PUBLIC DOMAIN.

SECTION 1. Any citizen of the Philippine Islands, or of the United States, or of any insular possession thereof, over the age of twenty-one years or the head of a family, may, as hereinafter provided, enter a homestead of not exceeding sixteen hectares of unoccupied, unreserved, unappropriated agricultural public land in the Philippine Islands, as defined by the Act of Congress of July first, nineteen hundred and two, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," which shall be taken, if on surveyed lands, by legal subdivisions, but if on unsurveyed lands, shall be located in a body which shall be as nearly as practicable rectangular in shape and not more than eight hundred meters in length; but no person who is the owner of more than sixteen hectares of land in said Islands or who has had the benefits of any gratuitous allotment of sixteen hec-

*The above title is amended by section one of Act numbered 979, which is as follows:

"SECTION 1. Act Numbered Nine Hundred and Twenty-six, known as 'The Public Land Act,' is hereby amended by striking out of the title thereof the 'following words: 'And providing for the determination by the Philippines Court of Land Registration of all proceedings for completion of imperfect titles and for the cancellation or confirmation of Spanish concessions and grants in said islands, as authorized by sections thirteen, fourteen, fifteen, and sixty-two of the Act of Congress,' and inserting in lieu thereof the following words: 'And providing for a hearing and decision by the Court of Land Registration of all applications for the completion and confirmation of all imperfect and incomplete Spanish concessions and grants in said Islands as authorized by sections thirteen, fourteen, and fifteen of the Act of Congress.'"

tares of land since the acquisition of the Islands by the United States, shall be entitled to the benefits of this chapter.

SEC. 2. Any person applying to enter land under the provisions of this chapter shall file with such officer as may be designated by law as local land officer, or in case there be no such officer then with the Chief of the Bureau of Public Lands, an application under oath showing that he has the qualifications required under section one of this chapter, and that he possesses none of the disqualifications there mentioned; that such application is made for his exclusive use and benefit; that the same is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person, persons, corporation, or association of persons; that the land applied for is nonmineral, does not contain valuable deposits of coal or salts, is more valuable for agricultural than forestry purposes, and is not occupied by any other person; and showing the location of the land by stating the province, municipality, and barrio in which the same is situated, and as accurate a description as may be given, showing the boundaries of the land, having reference to natural objects and permanent monuments, if any. Upon the filing of said application the Chief of the Bureau of Public Lands shall summarily determine, by inquiry of the Chief of the Bureau of Forestry and from the available land records, whether the land described is prima facie subject under the law to homestead settlement, and, if he shall find nothing to the contrary, the applicant, upon the payment of ten pesos, Philippines currency, shall be permitted to enter the quantity of land specified.

SEC. 3. No certificate shall be given or patent issued for the land applied for until the expiration of five years from the date of the filing of the application; and if, at the expiration of such time or at any time within three years thereafter, the person filing such application shall prove by two credible witnesses that he has resided upon and cultivated the land for the term of five years immediately succeeding the time of filing the application aforesaid, and shall make affidavit that no part of said land has been alienated or encumbered, and that he has borne true allegiance to the Government of the United States and that of the Philippine Islands, then, upon payment of a fee of ten pesos, Philippines currency, to such officer as may be designated by law as local land officer, or in case there be no such officer then to the Chief of the Bureau of Public Lands, he shall be entitled to a patent: *Provided, however,* That in the event of the death of an applicant prior to the issuance of a patent, his widow shall be entitled to have a patent for the land applied for issue to her upon showing that she has consummated the requirements of law for homesteading the lands as above set out; and in case the applicant dies before the issuance of the patent and does not leave a widow, then the interest of the applicant in the land shall descend and patent shall issue to the persons who under the laws of the Philippine Islands would have taken had the title been perfected by patent before the death of the applicant, upon proof by the persons thus entitled of compliance with said requirements and conditions.

SEC. 4. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuance of a patent therefor.

SEC. 5. If, at any time after the filing of the application as hereinabove provided and before the expiration of the period allowed by law for the making of final proof, it is proved to the satisfaction of the Chief of the Bureau of Public Lands, after due notice to the homesteader, that the land entered is not under the law subject to homestead entry, or that the homesteader has actually changed his residence, voluntarily abandoned the land for more than six months at any one time during the five years of residence herein required, or has otherwise failed to comply with the requirements of law, then in that event the Chief of the Bureau of Public Lands may cancel the entry, subject to appeal under proper regulations to the Secretary of the Interior, and the land thereupon shall become subject to disposition as other public lands of like character.

SEC. 6. Not more than one homestead entry shall be allowed to any one person.

SEC. 7. Before final proof shall be submitted by any person claiming to have complied with the provisions of this chapter, due notice, as prescribed by the Chief of the Bureau of Public Lands with the approval of the Secretary of the Interior, shall be given to the public of his intention to make such proof, stating therein the time and place, and giving a description of the land and the names of the witnesses by whom it is expected that the necessary facts will be established.

SEC. 8. Any person may file an affidavit of contest against any homestead entry, charging that the land entered was not unoccupied, unreserved, or unappropriated agricultural land at the time of filing the application, alleging disqualification of the entryman, noncompliance with law as to residence or cultivation, or any other matter which, if proven, would be just cause for the cancellation of the entry, and upon successful termination of the contest, the contestant, if a qualified entryman, shall be allowed a preference right of entry for sixty days from said date.

The Chief of the Bureau of Public Lands or any public official becoming aware of the existence of any of the grounds above stated, for impeaching or canceling the entry, may file formal complaint against the entry on any such ground which, if proven, shall cause the cancellation of the entry.

SEC. 9. No patent shall issue under the provision of this chapter until the land has been surveyed under the direction of the Chief of the Bureau of Public Lands and an accurate plat made thereof, the cost of which survey shall be borne by the Insular Government.

INSTRUCTIONS.

1. *Location of public lands.*—Owing to the system of disposing of public lands which obtained under the Spanish Government in these Islands, the present Government has no maps showing the exact location of such lands; therefore prospective homestead entrymen will be compelled to make inquiries, as to the ownership of any particular tract desired, of persons living in the vicinity thereof, and to consult the property register and record of tax returns,

in the capital of the province in which the land is located, for evidence of ownership.

2. *Land subject to entry.*—Only unreserved, unoccupied agricultural public land is subject to homestead entry. Land chiefly valuable for the mineral it contains must be purchased under the law relating to mineral land. Whether a particular tract is more valuable for forestry than agricultural purposes will be determined by the Forestry Bureau on request by the Bureau of Public Lands.

The provisions of the Public Land Act relating to homesteads do not extend at the present time to the Provinces of Lepanto-Bontoc, Benguet, Paragua, Nueva Vizcaya, and the Moro Province, but may at any time, by resolution of the Philippine Commission, be extended to said provinces.

3. *Persons entitled to a homestead.*—The following designated persons are entitled to make a homestead entry:

(a) Citizens of the Philippine Islands.

(b) Citizens of the United States, or of any insular possession of the United States.

To be entitled to make an entry a person must be 21 years of age, or else the head of a family. Any person, male or female, who is the head of a family, and otherwise qualified, may enter a homestead, even though such person be less than 21 years of age.

A person who is the owner of *more than 16 hectares of land, or has received from the Government a gratuitous grant of 16 hectares, under Chapter IV of the Public Land Act, is not entitled to make a homestead entry.*

4. *Area of homestead and shape of tract.*—A homestead can not exceed 16 hectares in area, but any amount less than that may be entered.

Whenever land is sought to be acquired as a homestead which has been surveyed by the Government under some plan for subdividing the public lands, such land must be taken by legal subdivisions. In case an entry is made on unsurveyed land, the tract entered must be in a single body, as nearly as practicable rectangular in shape, and not more than 800 meters in length.

5. *Procedure in making entry.*—An approved form on which to make an application for a homestead entry may be obtained by addressing the Bureau of Public Lands, Manila, P. I. In executing the application care should be taken by the applicant to fill up all the blank spaces in the form. The best possible description as to the location and boundaries of the tract, without making a survey, should be given, and the corners of the tract should be carefully marked on the ground by using stones or stakes. The application should be filed with the Chief of the Bureau of Public Lands, Manila, P. I.

6. *Residence and cultivation.*—The applicant must continuously *reside* upon and *cultivate* the land for a period of five years from the date of the filing of his application. Failure to reside on the land for a period of six months will constitute an abandonment of the entry and subject it to cancellation.

7. *Contests and adverse claims.*—Any person, whether qualified to make a homestead entry or not, if he knows of any reason why an application should not be approved, or of any reason why an entry in which the application has been approved should be canceled, may initiate a contest against the applicant or entryman by filing an affidavit with the Chief of the Bureau of Public Lands, wherein is set out the reasons why the application should be denied or the entry canceled. Upon the termination of a contest, if the application has been disapproved or the entry canceled, the person initiating the contest, if he is qualified under the law to enter a homestead has a preference right of entry as to the land for sixty days from the date of the final decision on the contest.

8. *Procedure to obtain patent.*—At any time within three years after the expiration of the five years mentioned in paragraph 6, the applicant may submit proof showing that he has complied with the law in the matter of residence on the land and cultivation of same. An approved form on which to make this proof will be furnished by the Bureau of Public Lands. In case the proof is satisfactory a patent will issue.

9. *Heirs of homestead settler.*—If the applicant is a married man, and should die after entry and before patent, his surviving widow, by complying with the requirements of the homestead law as to residence and cultivation, may submit proof of this fact and obtain the patent in her name. If the applicant be not married, and should die after entry and before patent, such

of his heirs as by law could inherit real estate from him, by complying with the above-mentioned requirements of the homestead law, may submit final proof and obtain the patent.

10. *Surveys.*—No homestead will be patented until the land has been surveyed and platted. The survey will be made as soon after the final proofs have been approved as it is possible for the surveyors to take up the work. This survey will be at the cost of the Government.

11. *Fees.*—A fee of P10 is required to be paid to the officer with whom the application is filed at the date of filing same. At the time of submitting final proof (see par. 8) the entryman must pay P10, as final fee, to the officer with whom the final proof is filed. These are the only fees that the Government requires to be paid under the homestead law.

12. *Miscellaneous.*—Attention is invited to the fact that section 77 of the Public Land Act prescribes a penalty for the presentation of false proof or affidavits in connection with applications or claims respecting public lands.

No land acquired as a homestead may be sold, by judgment of a court or otherwise, to satisfy any debt which may have been contracted by the applicant or patentee prior to the date of the patent therefor. (Sec. 4, Act 926.)

Necessary forms to be used in obtaining a homestead may be had by addressing the Bureau of Public Lands.

WILL M. TIPTON,
Chief Bureau of Public Lands.

Approved November 7, 1904:

DEAN C. WORCESTER, *Secretary of the Interior.*

CHAPTER II.

SALES OF PORTIONS OF THE PUBLIC DOMAIN.

SEC. 10. Any citizen of the Philippine Islands, or of the United States or of any insular possession thereof, or any corporation or like association of persons organized under the laws of the Philippine Islands or of the United States or any State, Territory, or insular possession thereof, and authorized to transact business in the Philippine Islands, may purchase any tract of unoccupied, unappropriated, and unreserved nonmineral agricultural public land in the Philippine Islands, as defined in the Act of Congress of July first, nineteen hundred and two, not to exceed sixteen hectares for an individual or one thousand and twenty-four hectares for a corporation or like association, by proceeding as hereinafter provided in this chapter: *Provided*, That no association of persons not organized as above and no mere partnership shall be entitled to purchase a greater quantity than will equal sixteen hectares for each member thereof.

SEC. 11. Purchases, made under the provisions of this chapter, of land previously surveyed, must be made of contiguous legal subdivisions. All lands purchased hereunder, whether previously surveyed or not, in case the tract sought to be purchased exceeds sixty-four hectares in area, must be taken, wherever possible, in the form of contiguous squares which shall contain at least sixty-four hectares each: *Provided*, That in connection with the purchase of lands in one or more tracts of sixty-four hectares there may be purchased one rectangular tract of thirty-two hectares, the longer side of which must be contiguous to the square tract of sixty-four hectares, or to one of such tracts if more than one be purchased. In no case may lands purchased under the provisions of this chapter be taken in such manner as to gain any such control of any adjacent land, water, stream,

shore line, way, roadstead, or other valuable right as might be prejudicial to the interests of the public.

SEC. 12. An application to purchase land under this chapter must be filed with such officer as may be designated by law as local land officer, or in case there be no such officer then with the Chief of the Bureau of Public Lands. It must be executed under oath and must state the citizenship of the applicant and his post-office address; the location of the land desired, stating the province, municipality, and barrio in which the same is situated, and as accurate a description as can be given, showing the boundaries of the land, having reference to natural objects and permanent monuments, if any; a statement as to whether any part of the land is occupied or improved, and that it is nonmineral in character, more valuable for agricultural than for forestry purposes, and does not contain deposits of coal or salts. The application of a corporation must be accompanied by a certified copy of its charter or articles of incorporation. An unincorporated association must show that its members are severally possessed of the qualifications above required of individuals. In the case of a corporation or association organized outside of the Philippine Islands there must be attached to the application proper documentary evidence that the law governing the transaction of business in the Philippine Islands by foreign corporations or associations has been complied with.

SEC. 13. It shall be the duty of the Chief of the Bureau of Public Lands to examine all applications to purchase under this chapter, and to determine whether the applicant has the qualifications required in section ten hereof, and from the certificate of the Chief of the Bureau of Forestry to determine whether the land applied for is more valuable for agricultural than forestry purposes. He shall report his findings to the Secretary of the Interior, who, after proper consideration and approval of same, shall order the sale to be made.

It shall also be the duty of the Chief of the Bureau of Public Lands to appraise the land applied for under this chapter, which appraisal shall not be less than ten pesos, Philippines currency, per hectare, and in making this appraisal he may call to his assistance any provincial or municipal official of the province in which the land lies. When the land shall have been appraised, as hereinabove provided, the Chief of the Bureau of Public Lands shall advertise the same for sale by publishing a notice thereof once a week for six consecutive weeks, in two newspapers, one published at Manila and the other (if any such there be) published near the land applied for, such notices to be published in both the English and Spanish languages. The Chief of the Bureau of Public Lands shall, with the approval of the Secretary of the Interior, prescribe, in addition to the publication in newspapers, a suitable method of posting notice upon the land sought to be purchased or in the pueblo where the land is situated. The notices shall state a date not earlier than ten days after the date of the last publication of the notice in the newspaper published at Manila, upon which date the Chief of the Bureau of Public Lands will award the land to the highest bidder, or will call for new bids, or otherwise proceed as provided by law.

SEC. 14. All bids must be sealed and addressed to the Chief of the Bureau of Public Lands, and must have inclosed therewith a certified check or a post-office money order payable to his order, for twenty-five per centum of the amount of the bid; which amount shall be retained, in case the bid is accepted, as part payment of the purchase price: *Provided*, That no bids shall be considered which are for less than the appraised value of the land.

SEC. 15. Upon the opening of the bids the land shall be awarded to the highest bidder. If there are two or more bidders which are higher than other bidders and are equal, and one of such higher and equal bids is the bid of the applicant, his bid shall be accepted. If, however, the bid of the applicant is not one of such equal and higher bids, then the Chief of the Bureau of Public Lands shall at once submit the lands for public bidding, and to the person making the highest bid on such public auction the land shall be awarded, but no bid received at such public auction shall be finally accepted until the bidder shall have deposited twenty-five per centum of his bid, as required in section fourteen. The deposits of all unsuccessful bidders shall be returned at once by the Chief of the Bureau of Public Lands. The Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, shall have authority to reject any and all bids hereunder.

SEC. 16. Lands sold under the provisions of this chapter must be paid for in the following manner: The balance of the purchase price after deducting the amount paid by check or post-office money order at the time of submitting the bid, may be paid in full upon the making of the award, or may be paid in equal annual installments, or may be paid in one installment at the expiration of five years from the date of the award. All sums remaining unpaid after the date of the award shall bear six per centum interest per annum from such date until paid.

SEC. 17. No patent shall issue under the provisions of this chapter until the land has been surveyed under the direction of the Chief of the Bureau of Public Lands and an accurate plat made thereof. The cost of such survey must be borne by the purchaser, if a corporation or like association, and if the survey be made in advance of the regular surveys of the Islands; but where the purchaser is an individual the cost of the survey shall be borne by the Insular Government. Patents shall not issue until after the expiration of five years from the date of the award, and before the same shall issue the purchaser must show actual occupancy, cultivation, and improvement of the premises for a period of five years immediately succeeding the date of the award, and that he has not sold the land or in any manner encumbered the title.

SEC. 18. If at any time after the date of the award and before the issuance of patent, it is proven to the satisfaction of the Chief of the Bureau of Public Lands, after due notice to the purchaser, that the purchaser has voluntarily abandoned the land for more than one year at any one time, or has otherwise failed to comply with the requirements of the law, then the land shall revert to the Government and all prior payments of purchase money shall be forfeited.

SEC. 19. This chapter shall be held to authorize only one purchase of the maximum amount of land hereunder by the same person, or by the same corporation or association of persons; and no corporation or association, any member of which shall have taken the benefits of this chapter, either as an individual or as a member of any other corporation or association, shall purchase any other public lands under this chapter.

SEC. 20. In the event of the death of an individual applicant subsequent to the date of the filing of the application and prior to the issuance of patent, the distributees of his estate, as defined by law, may claim the privilege of being subrogated to the rights of the deceased applicant, and if they consummate the requirements of law for purchasing land hereunder, patent shall issue to such distributees.

SEC. 21. If any land applied for under the provisions of this chapter shall be actually occupied by any person who is qualified to make a homestead or other entry under the public-land laws of the Philippine Islands, or by any native who is entitled by law to a free patent, such person shall be personally served with notice as to his rights, and shall be allowed a preference right of one hundred and twenty days within which to make entry or apply for patent.

CHAPTER III.

LEASES OF PORTIONS OF THE PUBLIC DOMAIN.

SEC. 22. Any citizen of the United States, or of the Philippine Islands, or of any insular possession of the United States, or any corporation or association of persons organized under the laws of the Philippine Islands or of the United States or of any State, Territory, or insular possession thereof, authorized by the laws of its creation and by the laws of the Philippine Islands and the Acts of Congress applicable thereto to transact business in the Philippine Islands, may lease any tract of unoccupied, unreserved, nonmineral agricultural public lands, as defined by sections eighteen and twenty of the Act of Congress approved July first, nineteen hundred and two, providing a temporary government for the Philippine Islands, and so forth, not exceeding one thousand and twenty-four hectares, by proceeding as hereinafter in this chapter indicated: *Provided*, That no lease shall be permitted to interfere with any prior claim by settlement or occupation until the consent of the occupant or settler is first had and obtained, or until such claim shall be legally extinguished: *And provided further*, That no corporation or association of persons shall be permitted to lease lands hereunder which are not reasonably necessary to enable it to carry on the business for which it was lawfully created and which it may lawfully pursue in the Philippine Islands.

SEC. 23. Leases made under the provisions of this chapter, of land previously surveyed, must be made of contiguous legal subdivisions. All lands leased hereunder, whether previously surveyed or not, in case the tract sought to be leased exceeds sixty-four hectares in area, must be taken, where possible, in the form of contiguous squares which shall contain at least sixty-four hectares each: *Provided*, That

in connection with the lease of lands in one or more tracts of sixty-four hectares there may be leased one rectangular tract of thirty-two hectares, the longer side of which must be contiguous to the square tract of sixty-four hectares, or to one of such tracts if more than one be leased. In no case may lands leased under the provisions of this chapter be taken so as to gain a control of adjacent land, water, stream, shore line, way, roadstead, or other valuable right which in the opinion of the Chief of the Bureau of Public Lands would be prejudicial to the interests of the public.

SEC. 24. An application to lease land under this chapter must be executed under oath and filed with such officer as may be designated by law as local land officer of the district in which the land is situated, or in case there be no such officer then with the Chief of the Bureau of Public Lands, and must show the following facts: The citizenship and post-office address of the applicant; the location of the land, showing the province, municipality, and barrio in which the same is situated, and as accurate a description as may be given, showing the boundaries of the land, having reference to natural objects and permanent monuments, if any; a statement as to whether the land contains any improvements or evidences of settlement and cultivation, and a statement that it is nonmineral in character, more valuable for agricultural than for forestry purposes, and does not contain deposits of coal or salts. Corporations and associations shall be required to file evidence of their legal existence and authority to transact business in the Philippine Islands.

SEC. 25. All applicants for leases under the terms of this chapter must give notice, by publication and by such other means as may be required by the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, of intent to make application to lease the tract in question, which notice shall state the date when the application will be presented and shall describe as definitely as practicable the land sought to be leased.

SEC. 26. It shall be the duty of the Chief of the Bureau of Public Lands to examine all applications for leases under this chapter, and to determine whether the applicant has the qualifications required in section twenty-four hereof, and, from the certificate of the Chief of the Bureau of Forestry, to determine whether the land applied for is more valuable for agricultural than forestry purposes, and further summarily to determine from available records whether the land is nonmineral and does not contain deposits of coal or salts. He shall report his findings to the Secretary of the Interior, who, after proper consideration and approval of same, shall cause the lease to be executed.

SEC. 27. The rate per hectare per annum for lands leased under this chapter shall be fixed by the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, and shall in no case be less than fifty centavos, Philippines currency, per hectare per annum; said rent shall be paid yearly in advance, the first payment being deposited with the Chief of the Bureau of Public Lands before the delivery of the lease.

SEC. 28. Leases hereunder shall run for a period of not more than twenty-five years, but may be renewed for a second period of twenty-five years, at a rate to be fixed as above indicated, which rate shall not be less than fifty centavos per hectare and shall not exceed one peso and fifty centavos, Philippines currency, per hectare. Land leased hereunder shall not be assigned or sublet without the consent of the Chief of the Bureau of Public Lands and Secretary of the Interior.

SEC. 29. No land shall be leased under the provisions of this chapter until the land has been surveyed under the direction of the Chief of the Bureau of Public Lands and an accurate plat made thereof, the cost of survey to be borne by the lessee.

SEC. 30. The lease of any lands under this chapter shall not confer the right to remove or dispose of any valuable timber except as provided in regulations of the Bureau of Forestry for cutting timber upon such lands. Nor shall such lease confer the right to remove or dispose of stone, oil, coal, salts, or other minerals, but the lease as to the part thereof which shall be mineral may be canceled by the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, whenever the mineral character of such part shall be made satisfactorily to appear, after due notice to the lessee.

SEC. 31. The commission of waste or the violation of the forestry regulations by the lessee shall work a forfeiture of his last payment of rent and render him liable to immediate dispossession and suit for damage.

INSTRUCTIONS.

LANDS SUBJECT TO LEASE.

All unoccupied, unreserved, nonmineral public lands, more valuable for agricultural than forestry uses, are subject to lease. Public lands are such lands of the Government as are subject to disposal under general laws. Mineral lands are such lands as are chiefly valuable for the minerals they contain. Whether lands upon which there is growing timber are more valuable for agricultural than for forestry uses will be determined by the Forestry Bureau. (See Sec. 18, Act of Congress of July 1, 1902.)

Owing to the system of disposing of public lands which obtained under the Spanish Government in these Islands, the present Government has no maps showing the exact location of public lands; therefore, prospective lessees will be compelled to make inquiries as to the ownership of any particular tract desired of persons living in the vicinity thereof, and to consult the property register and record of tax returns, in the capital of the province in which the land is located, for evidence of ownership.

No lease will be permitted to interfere with any prior claim by settlement or occupation until the consent of the occupant or settler is first had and obtained, or until such claims shall be legally extinguished.

The provisions of the Public Land Act relating to leasing public lands do not extend, at the present time, to the Provinces of Lepanto-Bontoc, Benguet, Paragua, Nueva Vizcaya, and the Moro Province, but may at any time, by resolution of the Philippine Commission, be extended to said provinces.

PERSONS WHO MAY LEASE PUBLIC LANDS.

(1) Citizens of the Philippine Islands; (2) citizens of the United States; (3) citizens of any insular possession of the United States; (4) any corporation or other association of persons organized under the laws of the Philippine Islands or of the United States, or of any State, Territory, or insular possession thereof, authorized by the laws of its creation and by the laws of the

Philippine Islands and the acts of Congress applicable thereto to transact business in the Philippine Islands. In this connection see section 75, Act of Congress of July 1, 1902, *supra*, as to rights of corporations.

AMOUNT THAT MAY BE LEASED.

A qualified person may lease any amount not exceeding 1,024 hectares, equivalent to about 2,530 acres.

PERIOD OF LEASE.

Leases shall run for a period of not more than twenty-five years, but may be renewed for a second period of twenty-five years.

RENT.

Lessees will be required to pay an annual rent in advance, the amount of which will be fixed by the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, but it can in no case be less than 50 centavos, Philippine currency, per hectare, and during the second period can not exceed P1.50 per hectare. The first payment of rent is due on the date of the execution of the lease, and must be paid before the lease is delivered.

FORM IN WHICH LEASED LANDS MUST BE TAKEN.

Leased lands, in all cases where possible, must be taken in tracts compact in form as provided in section 23 of the Public Land Act. Tracts to be contiguous must have one boundary in common. The purpose of this provision is to prevent the taking of land in long or irregular strips whereby adjoining public lands would be decreased in value.

PROCEDURE IN MATTER OF OBTAINING LEASE.

Prospective lessees are required to file an application for the land desired with the Chief of the Bureau of Public Lands. This application must show that the applicant is qualified to lease public lands; must describe the land desired to be leased, with respect to both its location and character, as definitely as practicable, and must be executed under oath. A proper form to be used in making application will be furnished on request by the Bureau of Public Lands.

Applicants must give notice of intention to apply for a lease by publication for thirty days in two newspapers, one English and one Spanish. Said newspapers shall be of general circulation in the locality where the land is located. When the notice is published in a weekly newspaper, five consecutive insertions are necessary; when in a daily newspaper, the notice must appear in each issue for thirty-one consecutive issues. Said notice shall state the date when said application will be made, and shall describe as definitely as possible the land to be applied for; an approved form may be found at the close of this circular. Applicant must file a copy of the notice at the same date on which he begins the publication of same with the provincial secretary and municipal president of the province and municipality in which the land is located. In case the land is located within the city of Manila, said notice must be filed with the secretary of the Municipal Board.

Applicant must submit to the Chief of the Bureau of Public Lands with his application a copy of said notice and must show by affidavit of the manager of the newspaper in which same was published that it was published for the required period.

The application will be examined in the Bureau of Public Lands, and if found correct will be referred to the Forestry Bureau for report as to whether the land is more valuable for agricultural than for forestry purposes.

Upon return of the application to the Bureau of Public Lands from the Forestry Bureau, with a report that the land is more valuable for agricultural than forestry uses, the Chief of the Bureau of Public Lands will, with the approval of the Secretary of the Interior, fix the rate per hectare at which the Government will lease the land. He will then advise the applicant of the rate fixed, also of the probable cost of surveying the tract.

Upon deposit by applicant in the Bureau of Public Lands of the amount of the estimated cost of survey the Chief of said Bureau will advise applicant of the date when he will cause the survey to be made, and will also send a copy of said notice to the secretary of the province and one to the president of the municipality in which the land is located, requesting said officials to post said notices in a conspicuous place in their respective offices.

Upon the completion of the survey, in case there are no adverse claims to the land a lease will be executed therefor as early as practicable.

MISCELLANEOUS.

A lessee of public lands has no right to remove timber except as authorized by the Forestry Bureau.

No minerals may be removed from public lands under a lease. In case it is made to appear that leased lands contain valuable mineral deposits, the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, is authorized to cancel the lease as to such lands.

Attention is invited to the fact that section 77 of the Public Land Act prescribes a penalty for the presentation of false proof or affidavits in connection with applications or claims respecting public lands.

All necessary forms to be used in connection with the leasing of public lands may be had on application to the Bureau of Public Lands.

WILL M. TIPTON,
Chief, Bureau of Public Lands.

Approved, November 7, 1904.

DEAN C. WORCESTER,
Secretary of the Interior.

NOTICE OF APPLICATION TO LEASE PUBLIC LANDS.

The undersigned hereby gives notice that he will on the day of 19...., file with the Chief of the Bureau of Public Lands, Manila, P. I., an application for a lease to the following-described public land, beginning.....

[Here give description as definitely as possible.]

.....
located in the Barrio of, Municipality of
....., Province of
and containing hectares, more or less.
Signature of applicant
Post-office address

CHAPTER IV.

FREE PATENTS TO NATIVE SETTLERS.

SEC. 32. Any native of the Philippine Islands now an occupant and cultivator of unreserved, unappropriated agricultural public land, as defined by the Act of Congress of July first, nineteen hundred and two, who has continuously occupied and cultivated such land, either by himself or through his ancestors, since August first, eighteen hundred and ninety-eight; or who, prior to August first, eighteen hundred and ninety-eight, continuously occupied and cultivated such land for three years immediately prior to said date, and who has been continuously since July fourth, nineteen hundred and two, until the date of the taking effect of this Act, an occupier and cultivator of such land, shall be entitled to have a patent issued without compensa-

tion for such tract of land, not exceeding sixteen hectares, as herein-after in this chapter provided.

SEC. 33. Any person desiring to obtain the benefits of this chapter must, prior to January first, nineteen hundred and seven, file an application for a patent with such officer as may be designated by law as local land officer, or in case there be no such officer then with the Chief of the Bureau of Public Lands. Said application must be executed under oath, and must show the following facts: The name, age, and post-office address of the applicant; that he is a native of the Philippine Islands; the location of the land desired, stating the province, municipality, and barrio in which the same is situated, and as accurate a description as may be given, showing the boundaries of the land, having reference to natural objects and permanent monuments, if any; that the land is not claimed or occupied by any other person; a statement as to the date when the applicant or his ancestor, giving the name of ancestor and stating his relationship to the applicant, entered into occupation and began cultivation, and a description of the improvements which have been made. If the first occupation and cultivation is claimed through an ancestor, the applicant must show the name of such ancestor and must file satisfactory evidence of the date and place of his death and burial, in which case the patent shall issue in the name of the heir or heirs of such ancestor as defined by the laws of the Philippine Islands.

SEC. 34. Upon receipt of said application it shall be the duty of the Chief of the Bureau of Public Lands to cause a careful investigation to be made in such manner as he shall deem necessary for the ascertainment of the truth of the allegations therein contained, and if satisfied upon such investigation that the applicant comes within the provisions of this chapter, he shall cause a patent to issue for the tract to such applicant, or to the heirs of his ancestor, as provided in the next preceding section, not exceeding sixteen hectares in extent: *Provided*, That no application shall be finally acted upon until notice thereof has been published in the municipality and barrio in which the land is located, and adverse claimants have had an opportunity to present their claims: *And provided further*, That no patent shall issue until the land has been surveyed under the direction of the Chief of the Bureau of Public Lands and an accurate plat made thereof.

SEC. 35. Lands acquired under the provisions of this chapter shall be inalienable and shall not be subject to incumbrance for a period of seven years from the date of the issuance of the patent therefor, and shall not be liable for the satisfaction of any debt contracted prior to the expiration of that period.

CHAPTER V.

TOWN SITES.

SEC. 36. Whenever in the opinion of the Secretary of the Interior it shall be in the public interest to reserve a town site from the public land or to acquire lands for such purpose by the exercise of the right of eminent domain, he shall direct the Chief of the Bureau of Public

Lands to have made a survey of the exterior boundaries of the land which he deems it wise so to reserve or acquire.

SEC. 37. Upon the completion and return of the survey mentioned in section thirty-six, the Secretary of the Interior shall forward the same to the Philippine Commission with his recommendations.

SEC. 38. The Commission, if it approve the recommendations of the Secretary of the Interior, shall pass a resolution reserving the land surveyed, or such part thereof as it may deem wise, as a town site, and a certified copy of such resolution shall be sent to the Chief of the Bureau of Public Lands who shall record the same in the records of his office and forward a certified copy of such record to the registrar of the province in which the surveyed land lies.

SEC. 39. It shall then be the duty of the Chief of the Bureau of Public Lands, having recorded the resolution of the Commission and the preliminary survey accompanying the same, to direct a subdivision and plat of the land, in accordance with the directions contained in the resolution approving the same, if such resolution contain directions as to the method of subdivision, or, if it contain no such direction, then in a manner which shall to the Chief of the Bureau of Public Lands seem best adapted to the convenience and interest of the public and the residents of the future town.

SEC. 40. The Commission, by resolution, or in the absence of action in this regard by the Commission, the Chief of the Bureau of Public Lands, shall reserve from the land to be platted, lots of sufficient size and convenient situation for public uses, as well as the necessary avenues, streets, alleys, parks, and plazas.

SEC. 41. The plat of the subdivision shall designate certain lots as business lots and the remainder as residence lots, and shall also reserve and note the lots of land owned by private individuals as evidenced by record titles, or as possessed and claimed by them as private property: *Provided, however,* That the avenues, streets, alleys, parks, plazas, and lots shall be laid out on the plat as though the lands owned or claimed by private persons were part of the public domain and part of the reservation, with a view to the possible subsequent purchase or condemnation thereof, if deemed necessary by the proper authorities.

SEC. 42. All lots, whether public or private, contained in the exterior boundaries shall be platted and numbered upon a general plan or system.

SEC. 43. The plat of the subdivision of the reserved town site thus prepared under the supervision of the Chief of the Bureau of Public Lands shall be submitted to the Secretary of the Interior for presentation to the Commission for its consideration, modification, amendment, or approval.

SEC. 44. The resolution of the Commission approving the plat shall provide whether the proceeds derived from the sale of lots shall be covered into the Insular Treasury as general insular funds, or as a special fund to be devoted to public improvements in or near the town site, and thereafter the receipts from the sale of lots shall be applied as provided in the resolution of the Commission.

SEC. 45. Where the proceeds of the sale are to constitute a fund to be devoted to public improvements in or near the town site, the same shall be expended as provided by law or resolution of the Commission.

SEC. 46. When the plat of subdivision is approved by the Commission it shall be certified to the Chief of the Bureau of Public Lands, together with the resolution approving the same, and the Chief of the Bureau of Public Lands shall record the same in the records of his office and shall forward a certified copy of such record to the registrar of the province in which the land lies, to be by such registrar recorded in the records of his office.

SEC. 47. All lots except those claimed by or belonging to private owners and claimants and excepting such lots and tracts as may be reserved for parks, public buildings, and other public uses, shall be sold under the direction of the Chief of the Bureau of Public Lands, as hereinafter in this chapter provided, and the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, shall prescribe rules and regulations for the disposal of lots hereunder.

SEC. 48. All lots in the reservation which are subject to sale as above provided, shall, if in the opinion of the Secretary of the Interior the value of the lots is sufficiently known to make an appraisalment useful, be appraised by a committee to be appointed by the Chief of the Bureau of Public Lands with the approval of the Secretary of the Interior.

SEC. 49. The lots in any such town site thus established and subject to sale, shall, after the approval and recording of the plat of subdivision as above provided, and after due advertisement, be sold at public auction to the highest bidder; but no bid shall be accepted, in case of appraised lots, if the bid does not equal two-thirds of the appraised value, and in the case of lots not appraised the bid shall not be accepted if in the judgment of the Chief of the Bureau of Public Lands and the Secretary of the Interior the bid is an inadequate price for the lot.

SEC. 50. Not more than two residence lots and two business lots in any one town site shall be sold to any one person, corporation, or association without the specific approval of the Secretary of the Interior.

SEC. 51. Lots which have been offered for sale in the manner herein prescribed, and for which no satisfactory bid has been received, shall be again offered for sale after due advertisement, and if at the second sale no satisfactory bid is received, they may be sold at private sale by the Chief of the Bureau of Public Lands for not less than their value, as appraised by a committee to be appointed by the Chief of the Bureau of Public Lands with the approval of the Secretary of the Interior.

SEC. 52. In any case in which, in the opinion of the Commission, it shall be necessary to condemn private lands within the reserved or proposed limits of a town site, either for streets, alleys, parks, or as lots for public buildings or other public uses, the Commission shall pass a resolution declaring the necessity for the same, which resolution shall be certified to the Attorney-General, who shall at once begin

proceedings for the condemnation of the lands described in the resolution, in accordance with the provisions of the Code of Civil Procedure.

SEC. 53. Town sites constituted under the provisions of this chapter on land forming a part of an existing municipality shall remain within the jurisdiction of such municipality until taken therefrom by legislative action of the Commission.

CHAPTER VI.

UNPERFECTED TITLES AND SPANISH GRANTS AND CONCESSIONS.

SEC. 54. The following-described persons or their legal successors in right, occupying public lands in the Philippine Islands, or claiming to own any such lands or an interest therein, but whose titles to such lands have not been perfected, may apply to the Court of Land Registration of the Philippine Islands for confirmation of their claims and the issuance of a certificate of title therefor, to wit:

1. All persons who prior to the transfer of sovereignty from Spain to the United States had fulfilled all the conditions required by the Spanish law and royal decrees of the Kingdom of Spain for the purchase of public lands, including the payment of the purchase price, but who failed to secure formal conveyance of title;

2. All persons who prior to the transfer of sovereignty from Spain to the United States, having applied for the purchase of public lands and having secured a survey, auction, and an award, or a right to an award, of such lands, did not receive title therefor through no default upon their part;

3. All persons who prior to the transfer of sovereignty from Spain to the United States, having applied for the purchase of public lands and having secured a survey and award of same, did not, through negligence upon their part, comply with the conditions of full or any payment therefor, but who after such survey and award shall have occupied the land adversely, except as prevented by war or *force majeure*, until the taking effect of this Act;

4. All persons who were entitled to apply and did apply for adjustment or composition of title to lands against the Government under the Spanish laws and royal decrees in force prior to the royal decree of February thirteenth, eighteen hundred and ninety-four, but who failed to receive title therefor through no default upon their part;

5. All persons who were entitled to a gratuitous title to public lands by "possessory proceedings" under the provisions of articles nineteen and twenty of the royal decree of the King of Spain issued February thirteenth, eighteen hundred and ninety-four, and who, having complied with all the conditions therein required, failed to receive title therefor through no default upon their part; and

6. All persons who by themselves or their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of agricultural public lands, as defined by said Act of Congress of July first, nineteen hundred and two, under a bona fide claim of ownership except as against the Government, for a

period of ten years next preceding the taking effect of this Act, except when prevented by war on *force majeure*, shall be conclusively presumed to have performed all the conditions essential to a Government grant and to have received the same, and shall be entitled to a certificate of title to such land under the provisions of this chapter.

All applicants for lands under paragraphs one, two, three, four, and five of this section must establish by proper official records or documents that such proceedings as are therein required were taken and the necessary conditions complied with: *Provided, however*, That such requirements shall not apply to the fact of adverse possession.

SEC. 55. All persons claiming title to Government lands not coming within the classes specified in the preceding section are excluded from the benefits of this chapter.

SEC. 56. Any person or persons, or their legal representatives or successors in right, claiming any lands or interest in lands in the Philippine Islands, under the provisions of this chapter, and who now desire or claim the right to have such title perfected, must in every case present an application in writing to the Court of Land Registration praying that the validity of the alleged title or claim be inquired into and that a certificate of title issue to them under the provisions of the Land Registration Act for the lands claimed.

SEC. 57. Such claims and applications shall conform as nearly as may be in their material allegations to the requirements of an application for registration under the provisions of section twenty-one and subsequent sections of the Land Registration Act, and shall be accompanied by a plan of the land and all documents evidencing a right on the part of the applicant to the lands claimed. The application shall also set forth fully the nature of the claim to the land, and when based upon proceedings initiated under Spanish laws shall particularly state the date and form of the grant, concession, warrant, or order of survey under which the claim is made; by whom such grant, concession, warrant, or order of survey was made; the extent of the compliance with the conditions required by the Spanish laws and royal decrees for the acquisition of legal title, and if not fully complied with the reason for such noncompliance, together with a statement of the length of time such land or any portion thereof has been actually occupied by the claimant and his predecessors in interest; the use made of the land, and the nature of the inclosure, if any. The fees provided to be paid for the registration of lands under the Land Registration Act shall be collected from applicants under this chapter, except that upon the original registration of land claimed hereunder no fee shall be required for the assurance fund.

SEC. 58. Any applicant for registration of lands under the provisions of this chapter may, upon petition directed to the Chief of the Bureau of Public Lands, and upon payment of the fees as regulated by law, secure a survey and plan of the lands claimed to be owned by him, which said plan shall be filed with his application in the Court of Land Registration.

SEC. 59. Upon the filing of claims and applications for registration in the Court of Land Registration, under this chapter, the same procedure shall be adopted in the hearing of such cases and in the

matter of appeal as is by the Land Registration Act provided for other claims, except that a notice of all such applications, together with a plan of the lands claimed, shall be immediately forwarded to the Chief of the Bureau of Public Lands of the Philippine Islands, who shall be represented in all questions arising upon the consideration of such applications by the Attorney-General of the Philippine Islands or by any subordinate or assistant to the Attorney-General appointed for that purpose.

SEC. 60. It shall be the duty of the examiner of titles, upon reference to him of any such claim or application, to investigate all the facts alleged therein or otherwise brought to his attention, and to make careful inquiry as to the period of occupation of the land by the claimant or his predecessors in interest; the nature of such lands; the character of the inclosure, if any, and the extent to which the land has been subjected to cultivation. He shall file a full report of his investigations in the case, concluding with a certificate of his opinion upon the merits of the claim.

SEC. 61. It shall be lawful for the Chief of the Bureau of Public Lands, whenever in the opinion of the Chief Executive the public interests shall require it, to cause to be filed in the Court of Land Registration, through the Attorney-General, a petition against the holder, claimant, possessor, or occupant of any land in the Philippine Islands who shall not have voluntarily come in under the provisions of this chapter or the Land Registration Act, stating in substance that the title of such holder, claimant, possessor, or occupant is open to question, or stating in substance that the boundaries of any such land which has not been brought into court as aforesaid are open to question, and praying that the title to any such land or the boundaries thereof or the right to occupancy thereof be settled and adjudicated. Such petition shall contain all the data essential to furnish a full notice thereof to the occupants of such lands and to all persons who may claim an adverse interest therein, and shall be accompanied by a plan of the land in question. The court shall cause service of notice to be made as in other cases, and shall proceed to hear, try, and determine the questions stated in such petition or arising in the matter, and settle and determine the ownership of the land and cause certificate of title to be issued therefor, as in other cases filed under this chapter.

SEC. 62. Whenever any lands in the Philippine Islands are set apart as town sites, under the provisions of Chapter Five of this Act, it shall be lawful for the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, to notify the judge of the Court of Land Registration that such lands have been reserved as a town site and that all private lands or interests therein within the limits described ought forthwith to be brought within the operation of the Land Registration Act, and to become registered land within the meaning of said Registration Act. It shall be the duty of the judge of said court to issue a notice thereof, stating that claims for all private lands or interests therein within the limits described must be presented for registration under the Land Registration Act in the manner provided in Act Numbered Six hundred and twenty-

seven, entitled "An Act to bring immediately under the operation of the Land Registration Act all lands lying within the boundaries lawfully set apart for military reservations, and all lands desired to be purchased by the Government of the United States for military purposes." The procedure for the purpose of this section and the legal effects thereof shall thereupon be in all respects as provided in sections three, four, five, and six of said Act Numbered Six hundred and twenty-seven.

SEC. 63. All proceedings under this chapter involving title to or interest in land shall be conducted and considered as an application for registration of such land, and the final decree of the court shall in every case be the basis for the original certificate of title in favor of the person entitled to the property under the procedure prescribed in section forty-one of the Land Registration Act.

SEC. 64. If in the hearing of any application arising under this chapter the court shall find that more than one person or claimant has an interest in the land, such conflicting interests shall be adjudicated by the court and decree awarded in favor of the person or persons entitled to the land, according to the laws of the Philippine Islands, except that where the action is voluntarily dismissed by the parties interested the order of the court shall be merely one of dismissal without affecting title.

SEC. 65. Whenever, in any proceedings under this chapter to secure registration of an incomplete or imperfect claim of the title initiated prior to the transfer of sovereignty from Spain to the United States, it shall appear that had such claims been prosecuted to completion under the laws prevailing when instituted, and under the conditions of the grant then contemplated, the conveyance of such land to the applicant would not have been gratuitous but would have involved payment therefor to the Government, then and in that event the court shall, after decreeing in whom title should vest, further determine the amount to be paid as a condition for the registration of the land. Such judgment shall be certified to the Bureau of Public Lands by the clerk of the court for collection of the amount due from the person entitled to conveyance. Upon payment to the Chief of the Bureau of Public Lands of the price specified in the judgment, the case shall be returned by him to the Court of Land Registration with a notation of such payment, whereupon the registration of the land in favor of the party entitled thereto shall be ordered by the court. If the applicant shall fail to pay the amount of money required by the decree within a reasonable time after he receives notice thereof the court may order the proceeding to stand dismissed and the title to the land shall then be in the Government free from any claim of the applicant.

SEC. 66. Whenever any judgment of confirmation or other decree of the court involving public lands shall become final, the clerk of the court shall certify that fact to the Bureau of Public Lands, with a copy of the decree of confirmation or judgment of the court, which shall plainly state the location, boundaries, and area as nearly as may be, of the tract involved in the decree or judgment, and shall be accompanied by a plan of the land as confirmed or acted upon by the

court. In the event the original survey was made by the Bureau of Public Lands and the decree of the court conforms thereto, no further proceedings shall be required. When the original survey was made by the applicant or where the tract confirmed by the court varies from the original survey as made by the Bureau of Public Lands, the Chief of the Bureau of Public Lands shall immediately cause the tract, so confirmed by the court, to be surveyed at the cost of the Insular Government, and shall, when such survey has been approved by him, furnish a copy of same to the Court of Land Registration and to the applicant, which survey when approved by the court, and unless objected to by the applicant within thirty days, shall be conclusively presumed to be correct. If objection is made to the survey by the applicant, the court, upon notice to the Bureau of Public Lands, shall hear such objections, and its action in the matter shall be final.

SEC. 67. No title to, or right or equity in, any public lands in the Philippine Islands may hereafter be acquired by prescription or by adverse possession or occupancy, or under or by virtue of any laws in effect prior to American occupation, except as expressly provided by laws enacted or provided since the acquisition of the Islands by the United States.

CHAPTER VII.

GENERAL PROVISIONS.

SEC. 68. The short title of this Act shall be "The Public Land Act."

SEC. 69. The Chief of the Bureau of Public Lands, under the supervision of the Secretary of the Interior, shall prepare and issue such forms and instructions, consistent with this Act, as may be necessary and proper to carry into effect all the provisions thereof that are to be administered by or under the direction of the Bureau of Public Lands, and for the conduct of all proceedings arising under such provisions.

SEC. 70. While title to public lands in the Philippine Islands remains in the Government, the Chief of the Bureau of Public Lands, under the supervision of the Secretary of the Interior, shall be charged with the immediate executive control of the survey, classification, lease, sale, and other disposition and management thereof, and the decisions of the Bureau as to questions of facts relating to such lands shall be conclusive when approved by the Secretary of the Interior.

SEC. 71. The Civil Governor, for reasons of public policy, may, from time to time, by proclamation, designate any tract or tracts of public lands in the Philippine Islands as nonalienable, and thereafter the same shall be withdrawn from settlement, entry, sale, or other disposition under any of the public-land laws of the Islands until again made subject thereto by law of the Islands.

SEC. 72. Provincial secretaries and all other persons that may be designated as mining recorders shall, in their capacities as such recorders, be subject to the supervision of the Chief of the Bureau of Public Lands.

SEC. 73. All patents or certificates for lands disposed of under this law shall be prepared in the Bureau of Public Lands and shall issue in the name of the United States and the Philippine Government under the signature of the Civil Governor; but such patents or certificates shall be effective only for the purposes defined in section one hundred and twenty-two of the Land Registration Act and the actual conveyance of the land shall be effected only as provided in said section.

SEC. 74. All persons receiving title to Government lands under the provisions of this Act, shall hold such lands subject to the same public servitudes as existed upon lands owned by private persons under the sovereignty of Spain, including those with reference to the littoral of the sea and the banks of navigable rivers or rivers upon which rafting may be done.

SEC. 75. The beneficial use of water shall be the basis, the measure, and the limit of all rights thereto in said Islands, and the patents herein granted shall be subject to the right of the Government of these Islands to make such rules and regulations for the use of water and the protection of the water supply, and for other public purposes, as it may deem best for the public good. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and decisions of the courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and all patents granted under this Act shall be subject to any vested and accrued rights to ditches and reservoirs used in connection with such water rights as may have been acquired in the manner above described prior to April eleventh, eighteen hundred and ninety-nine.

SEC. 76. There is hereby reserved from the operation of all patents, certificates, entries, and grants by the Insular Government authorized under this Act, the right to use for the purposes of power any flow of water in any stream running through or by the land granted, the convertible power from which at ordinary low water exceeds fifty horse power. Where the convertible power in any stream running through or running by land granted under the authority of this Act thus exceeds fifty horse power, and there is no means of using such power except by the occupation of a part of the land granted under authority of this Act, then so much land as is reasonably necessary for the mill site or site for the power house, and for a suitable dam and site for massing the water, is hereby excepted from such grant, not exceeding four hectares, and a right of way to the nearest public highway from the land thus excepted, and also a right of way for the construction and maintenance of such flumes, aqueducts, wires, poles, or other conduits as may be needed in conveying the water to the point where its fall will yield the greatest power, or the power from the point of conversion to the point of use, is reserved as a servitude or easement upon the land granted by authority of this Act: *Provided, however,* That when the Government or any concessionaire of the Government shall take possession of land under this section which a grantee under this Act shall have paid for, supposing

it to be subject to grant under this Act, said grantee shall be entitled to indemnity from the Government or the concessionaire for the amount, if any, paid by him to the Government for the land taken from him by virtue of this section: *And provided further*, That with respect to the flow of water, except for converting the same into power exceeding fifty horse power, said grantee shall be entitled to the same use of the water flowing through or along his land that other private owners enjoy by the laws of the Philippine Islands, subject to the governmental regulation provided in the previous section. Water power privileges in which the convertible power at ordinary low water shall exceed fifty horse power shall be disposed of only upon terms to be embodied in a special Act of the Commission until a general law shall be passed concerning the use, lease, or acquisition of such water privilege.

SEC. 77. Any person who shall willfully and knowingly submit, or cause to be submitted, any false proof, or who shall make, or cause to be made, any false affidavit in support of any application or claim in any manner respecting the public lands of the Philippine Islands, shall be deemed guilty of perjury and punished accordingly.

SEC. 78. The provisions of this Act shall extend and apply to all provinces and places of the Philippine Archipelago except the Moro Province and the Provinces of Lepanto-Bontoc, Benguet, Paragua, and Nueva Vizcaya; but the provisions of this Act or of any chapter hereof may at any time, by resolution of the Philippine Commission, be extended over and put in force in any of the provinces or any part thereof hereby excepted from its operation.

SEC. 79. When this Act shall have been approved by the President of the United States and shall have received the express or implied sanction of Congress, as provided by section thirteen of the Act of Congress approved July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," such facts shall be made known by the proclamation of the Civil Governor of the Islands, and this Act shall take effect on the date of such proclamation.

Enacted, October 7, 1903.

THE GOVERNMENT OF THE PHILIPPINE ISLANDS, EXECUTIVE BUREAU.

MANILA, P. I., July 26, 1904.

EXECUTIVE ORDER } No. 33. }

Pursuant to the provisions of Act Numbered Six Hundred and Forty-eight, Philippine Commission, an Act authorizing the Civil Governor to reserve portions of the public domain for public uses, I hereby withdraw from settlement, entry, sale, or other disposition under the public land laws, the following-described tracts of land, and reserve the same for the uses hereinafter indicated:

1. In the Province of Bataan: Beginning at the south bank of the Lamao River where the same enters Manila Bay; thence in a southerly direction following the shore line to a conglomerate cliff on the same, a distance of about seventeen hundred feet; thence in a general westerly direction to the base of the ridge dividing the watershed of the Lamao River from the small stream

south, a distance of about one and one-half miles; thence following the top of this ridge as it runs in a westerly direction to the south of the Peta River, a branch of the Lamao, to its junction with the main ridge dividing the Lamao River from the Amo River on the south; thence following the summit of this ridge to the summit of the mountain; thence in a northerly direction following the height of land to the main ridge on the north of the Alagan River; thence following the summit of this ridge in an easterly direction to a point about thirteen hundred and twenty feet north of said Alagan River where it enters the Bay of Manila, and thence in a southerly direction along the shore line to the starting point, a distance along the shore of approximately two and one-quarter miles, the said tract containing approximately twelve thousand acres. Said tract to be known as the Lamao Forest Reserve and is to be used for forestry purposes.

2. In the Province of Rizal: Beginning on the summit of Mount Caya-basan, on the northern boundary line of Rizal Province, and running in a southerly direction along the summit of the range of mountains to a point on the summit of the mountains about five miles northeast of the town of Varas; thence westerly along the summit or ridge to a point halfway between Antipolo and Boso-Boso, where the trail crosses said ridge; thence northerly along said ridge or summit to Mount Bantay, where the northern boundary line of Rizal Province crosses Mount Bantay; thence easterly along said northern boundary line of Rizal Province to the place of beginning, containing one hundred square miles, more or less. Said tract to be known as the Mariquina Reserve, and is to protect the watershed of the Mariquina River, the source of water supply of the city of Manila.

3. In the Province of Bulacan: Beginning at a point on the right bank of the Angat River at the mouth of the stream known as Arroyo Bulagao, said point being about two kilometers easterly of the town of Norzagaray and about one-half kilometer southwesterly of the summit of Mount Balugan; thence along said right bank of the Angat River in a general easterly direction to the mouth of the stream known as Arroyo Stoa, said point being about one kilometer below the mouth of the rocky gorge south of Mount Salacot; thence due north one thousand meters to a point; thence due east to a point on the left bank of the Angat River; thence due south fifteen hundred meters to a point; thence due west to a point on the left bank of the Angat River; thence along the left bank of the Angat River to a point on said left bank, in the sitio of Dailin, due west of the mouth of the stream known as Arroyo Bitbit; thence in a westerly direction about three kilometers to a point eight hundred meters due south of a point on the left bank of the Angat River, said point on the left bank of the Angat River being due south of the summit of Mount Sulip; thence in a westerly direction about four and one-half kilometers to a point fifteen hundred meters due south of the point of beginning; thence to the point of beginning. Said tract to be known as the Angat River Reserve, and to be used for the purpose of the development of water power from the Angat River.

4. In the Province of Laguna: Starting at the house or hunting lodge of Juan Cailles, located about three miles easterly of the pueblo of Lumbang, Province of Laguna; thence due south two miles to a point on the southern boundary of the reservation and the place of beginning; thence due west two and one-half miles to the southwest corner; thence due north three and one-half miles to the northwest corner; thence due east six and one-half miles to the northeast corner; thence due south three and one-half miles to the southeast corner; thence due west four miles to the place of beginning, containing twenty-two and three-quarter square miles, more or less. Said tract to be known as the Caliraya Falls Reserve, and is to be used for the purpose of the development of the water power from the falls of the Caliraya River.

5. In the Province of Occidental Negros: Beginning at a concrete monument marked "LG,"
NW said monument being two hundred and twelve feet south, thirty-nine degrees twelve minutes east, from the northwest corner of the farm, which corner is the intersection of the western boundary with the center line of the Najalim River; thence along the western boundary south thirty-nine degrees twelve minutes east, a distance of two thousand three hundred and five feet to a point in the center of Arroyo Nagasi; thence along the center line of the stream in a southwesterly direction about twelve hundred feet, air

line, to its intersection with the center line of a boundary canal; thence south forty-five degrees nine minutes east, a distance of about four thousand eight hundred and forty feet along the center line of said boundary canal to a point at its intersection with the center line of another arroyo; thence along the center line of this arroyo in a southeasterly direction, a distance of about six hundred and seventy feet to its intersection with the center line of another boundary canal; thence along the center line of said boundary canal south fourteen degrees thirty-seven minutes east, a distance of nine hundred and seventy-five feet to a stake; thence south sixty degrees forty-five minutes east, a distance of eight hundred and seventeen and four-tenths feet to a stake; thence north eighty-nine degrees east nine hundred and eighty-six feet to a concrete monument, marked, "LG,"
SW

thence south thirty-nine degrees twelve minutes east, eighty-five feet to the southwest corner of the farm, which is at the intersection of this line with the center line of the Marayo River; thence along the center line of the Marayo River as a southern boundary in a northeasterly direction, a distance of about seven thousand six hundred and eighty feet, air line, to the southeast corner of the farm, said corner being on the center line of the river; thence one hundred and twenty feet north, eight degrees fifteen minutes west, to a concrete monument marked "LG,"
SE

thence from said concrete monument north eight degrees fifteen minutes west, a distance of about two thousand three hundred and ten feet along the eastern boundary, marked by a row of tuba-tuba trees, to a concrete monument marked "LG,"
NE thence five hundred and fifty feet north eight degrees fifteen minutes west along the eastern boundary to the point of intersection with the center line of the Najalim River, said intersection being the northeast corner of the farm; thence in a westerly direction along the center line of the extreme northern branch of the Najalim River, which forms the northern boundary, a distance of about thirteen thousand five hundred feet, to the northwest corner of the farm which is two hundred and twelve feet north, thirty-nine degrees twelve minutes west from the concrete monument, the point of beginning; thence south thirty-nine degrees twelve minutes east, two hundred and twelve feet to the point of beginning. All bearings are magnetic. Said farm contains six hundred and eighty-five hectares, more or less. Said tract is to be known as La Carlota Reserve, and is to be used for an agricultural experiment station.

6. In the Province of Zamboanga: Beginning at a post on the northern boundary in the northwest corner of the so-called San Ramon Farm, said post being north seventy-four degrees fourteen minutes east, a distance of forty-two and sixty-seven one-hundredths meters from the intersection of the northern boundary with the mean low-water line of the waters of the Jolo Sea forming the western boundary; thence along the northern boundary north seventy-four degrees fourteen minutes east, a distance of four thousand and forty-eight and fifty-seven one-hundredths meters to a post in the northeast corner of said farm; thence along the eastern boundary south seventeen degrees twenty-seven minutes east, a distance of six hundred and eighty-two and seventy-one one-hundredths meters to a tree; thence still along the eastern boundary south eleven degrees ten minutes west, a distance of one thousand one hundred and sixty-three and sixty-one-hundredths meters to a post upon the west bank of the old irrigation ditch, said post being the southeast corner of the farm; thence along the water line of said ditch which is the southern boundary, a distance of two thousand nine hundred and twenty-four and twenty-six one-hundredths meters, more or less, in a southwesterly direction (about south forty-three degrees west) to a post (said post being the intersection of the west bank of the irrigation ditch with the center line of a hedge, which hedge marks the remainder of the southern line of the farm, and is the northern boundary of the Hacienda of San Joaquin); thence still along the southern boundary along center line of hedge, about south seventy-one degrees twenty-five minutes west, general direction, a distance of one thousand seven hundred and six and eighty-eight one-hundredths meters to a post, said post being north seventy-four degrees fourteen minutes east, a distance of twenty-nine and eighty-seven one-hundredths meters from the southwest corner of the farm, where the mean low-water line of the waters of the Jolo Sea, forming the

western boundary, intersects the southern boundary; thence, finally, on the western boundary in a northeasterly direction north thirteen degrees thirty-nine minutes east, a distance of three thousand one hundred and ninety-eight and twenty-seven one-hundredths meters along the shore of the Jolo Sea at mean low-water line to the point where same intersects the northern boundary at a distance of forty-two and sixty-seven one-hundredths meters in said northern boundary from the post of beginning. Also unoccupied public land in the following-described tract: Beginning at the northeast corner of the San Ramon Farm, as determined by the Government survey made in December, nineteen hundred and three; thence due north one thousand six hundred feet; thence due west to the sea, a distance of thirteen thousand eight hundred feet, more or less; thence in a southerly direction along the beach to the present northwest corner of the San Ramon Farm; thence north seventy-four degrees fourteen minutes east, a distance of thirteen thousand five hundred and twenty-three feet, to the point of beginning. Said tracts to be known as the San Ramon Reserve, and are to be used for an agricultural experiment station.

7. In the Province of Pampanga, municipality of San Pedro Magalang: A tract of land the area of which is one thousand and fifty hectares and the boundaries of which are, on the north the lands of Don Carlos Vega, Don Pablo Luciano, Don Jacinto Rivera, and Don Basilio Teodoro; on the east and south vacant public lands; on the west, lands of Don Jose Lacclang, Don Serafin Manbolo, Don Esteban Macala, Don Felipe Luciano, Don Narciso Julian, Don Placido Acrilla, Masalibusum Creek, lands of Lacsamana, Don Raymundo Feliciano, and Don Luciano Cabrera. Said tract to be known as the Magalang Reserve, and to be used for an agricultural experiment station.

8. In the Province of Isabela: That certain tract of land located about five miles from Ilagan on the road to San Antonio containing about forty hectares and used by the Government as an agricultural experiment station.

9. The land to the extent of fifteen meters on each side of the center line of any public highway now in existence on the public domain or which hereafter may be constructed over the same.

LUKE E. WRIGHT,
Civil Governor.

[No. 1120.] AN ACT PROVIDING FOR THE ADMINISTRATION AND TEMPORARY LEASING AND SALE OF CERTAIN HACIENDAS AND PARCELS OF LAND, COMMONLY KNOWN AS FRIAR LANDS, FOR THE PURCHASE OF WHICH THE GOVERNMENT OF THE PHILIPPINE ISLANDS HAS RECENTLY CONTRACTED, PURSUANT TO THE PROVISIONS OF SECTIONS SIXTY-THREE, SIXTY-FOUR, AND SIXTY-FIVE OF AN ACT OF THE CONGRESS OF THE UNITED STATES ENTITLED "AN ACT TEMPORARILY TO PROVIDE FOR THE ADMINISTRATION OF THE AFFAIRS OF CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES," APPROVED ON THE FIRST DAY OF JULY, NINETEEN HUNDRED AND TWO.

Whereas, pursuant to the provisions of sections sixty-three, sixty-four, and sixty-five of an Act of the Congress of the United States, entitled "An Act temporarily to provide for the administration of the affairs of Civil Government in the Philippine Islands, and for other purposes," approved July first, nineteen hundred and two, the Government of the Philippine Islands, on the twenty-second day of December, nineteen hundred and three, entered into contracts with the Philippine Sugar Estates Development Company, Limited, La Sociedad Agricola de Ultramar, the British-Manila Estates Company, Limited, and the Recoleta Order of the Philippine Islands, for the purchase of about one hundred and sixty-four thousand one hundred and twenty-seven hectares of land, situated in the Provinces of La Laguna, Bulacan, Cavite, Bataan, Cebu, Rizal, Isabela, and Mindoro, for the aggregate sum of seven million two hundred and thirty-ninethousand seven

hundred and eighty-four dollars and sixty-six cents, money of the United States; and

Whereas in said contracts of purchase it was provided, among other things, that the Government of the Philippine Islands should have a period of six months from the date of said contracts within which to examine the titles to said lands and also within which to survey the same in order to ascertain whether there is the quantity of land specified in said contracts, and, in the event there is not, that a proportionate reduction shall be made in the amounts agreed to be paid therefor; and it was further provided in said contracts that the said parties, so agreeing to sell, obligated themselves to convey good and indefeasible titles to said lands by proper conveyances; and

Whereas by said section sixty-five of said Act of Congress the Government of the Philippine Islands is empowered to lease the said lands after their acquisition for a period not exceeding three years, and to sell the same on such terms and conditions as it may prescribe, subject to the limitations and conditions contained in said Act of Congress: *Provided*, That all deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued and sold for the purpose of realizing the money necessary to pay for said lands by section sixty-four of said Act of Congress, and that said deferred payments shall bear interest at the rate borne by said bonds: *And provided further*, That all moneys realized or received from the sales or other disposition of said lands, or by reason thereof, shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity: *And provided further*, That actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said Government; and

Whereas the said lands are not "public lands" in the sense in which those words are used in the Public Land Act, Numbered Nine hundred and twenty-six, and can not be acquired or leased under the provisions thereof, and it is necessary to provide proper agencies for carrying out the terms of said contracts of purchase and the requirements of said Act of Congress with reference to the leasing and selling of said lands and the creation of a sinking fund to secure the payment of the bonds so issued: Now, therefore,

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. The Civil Governor is authorized and directed to have careful examination made to ascertain the sufficiency and soundness of the titles to said lands so contracted to be purchased by the Government of the Philippine Islands from the said corporations as set forth in preamble hereof.

His action in employing the firm of Del Pan, Ortigas and Fisher, attorneys at law in the city of Manila, to make such examination and also to perform all legal services required of them in completing such

purchases and thereafter in the leasing and selling of said lands as hereinafter provided, they to be compensated for their services at the rate of five thousand five hundred dollars per annum, payable monthly, for such time as in the opinion of the Civil Governor their services may be needed, is hereby approved and confirmed.

SEC. 2. The Consulting Engineer to the Commission is hereby directed to have careful surveys made of the said haciendas and tracts of land in order to ascertain with accuracy and certainty whether there is the amount of land in each of said haciendas and tracts specified in said contracts, and for that purpose he is empowered to put in the field and maintain the necessary surveying parties, and any funds in his hands at the present time not in terms devoted to defraying the cost of specific public works are hereby declared available for that purpose. As soon as these surveys shall have been completed he shall make report of the results thereof to the Civil Governor. Such steps as have already been taken by the Consulting Engineer by direction of the Civil Governor looking to the survey of said haciendas and lands are approved and confirmed.

SEC. 3. The firm of Del Pan, Ortigas and Fisher is also directed, as soon as the examination of the title deeds to said property shall have been completed, to make report of the result of their investigations in that behalf to the Civil Governor, and under his direction to supervise the final deeds of conveyance of said lands by said corporations to the Government of the Philippine Islands. The Civil Governor is also directed to submit their report together with the said deeds to the Attorney-General for his opinion.

SEC. 4. The Civil Governor is hereby empowered, when it shall have been ascertained that the titles to said lands are perfect and indefeasible and proper instruments of conveyance are tendered by said corporations, to direct the payment to the corporations named in the preamble of the several sums agreed to be paid for said lands, and to that end to draw the warrants of the Government of the Philippine Islands upon the sum realized from the sale of the bonds issued and sold as provided in the Act Numbered Ten hundred and thirty-four.

SEC. 5. When the titles to said lands are finally vested in the Government of the Philippine Islands, they shall be under the immediate control and direction of the Bureau of Public Lands. The Chief of the Bureau of Public Lands is empowered and directed, pending the completion of the purchase of said lands, to receive, take charge of, and carefully preserve the said contracts of sale and purchase and all muniments, documents, title deeds, or other papers pertaining to said lands, and all field notes, surveys, and other data relating thereto, and also the deeds of conveyance hereafter made pursuant to the terms of said contracts of sale and purchase, and thereafter to keep and preserve the same, except as required for registration of said lands.

SEC. 6. The title deeds and instruments of conveyance pertaining to the lands in each province, when executed and delivered by said grantors to the Government and placed in the keeping of the Chief of the Bureau of Public Lands, as above provided, shall be by him

transmitted to the register of deeds of each province in which any part of said land lies, for registration in accordance with law.*

SEC. 7. Upon the vesting of the titles to said lands in the Government of the Philippine Islands by proper deeds of conveyance, or sooner if so directed by the Civil Governor, the Chief of the Bureau of Public Lands shall ascertain the names and residences of the actual, bona fide settlers and occupants then in possession of said lands or of any portion of them, together with the extent of their several holdings and the character and value thereof. He is also directed to ascertain from said occupants whether they desire to purchase their holdings upon the terms prescribed in the succeeding sections.

SEC. 8. In case any occupant in possession does not desire to purchase his holding, but does desire to lease the same, then it shall be the duty of the Chief of the Bureau of Public Lands, after vesting the title, to see that such occupant attorns in due form to the Government and enters into a lease with the usual covenants and agrees to pay a reasonable rental for the use and occupation of his holding. Such rental shall be fixed by the Chief of the Bureau of Public Lands, but in no instance shall any lease be made for a longer term than three years.

SEC. 9. In the event the Chief of the Bureau of Public Lands should find any of the said lands vacant, he is directed to take possession and charge thereof, and he may either lease such unoccupied lands for a term not exceeding three years or offer the same for sale, as in his judgment may seem for the best interests of the Government, and in making such sales he shall proceed as provided in chapter two of the Public Land Act.

SEC. 10. Should he find any of the said lands in possession of a person or persons declining either to buy or to rent, as above set forth, he shall take possession thereof if he can do so peaceably, and if not he shall begin proper legal proceedings in the Court of Land Registration to settle title and to oust him or them from his or their holdings and, upon adjudication in favor of the Government, shall likewise take possession of the same with the same power and authority as though originally vacant. He shall not, however, sell any of the main hacienda houses or other large and substantial buildings save upon a resolution of the Commission authorizing him so to do.

*Section one of Act No. 1287 amends this section by adding to the end thereof the following words:

"Section six of Act Numbered Eleven Hundred and Twenty, the Friars Land Act, is hereby amended by adding at the end thereof the following words: "But before transmitting the title deeds and instruments of conveyance in this section mentioned to the register of deeds of each province for registration, the Chief of the Bureau of Public Lands shall record all such deeds and instruments at length in one or more books to be provided by him for that purpose and retained in the Bureau of Public Lands. He shall certify on each record the date on which the same was made. Copies of said records made by the Chief of the Bureau of Public Lands, when duly certified by him, shall be received in all courts of the Philippine Islands as sufficient evidence of the contents of the instruments so recorded whenever it is not practicable to produce the originals in court."

SEC. 11. Should any person who is the actual and bona fide settler upon and occupant of any portion of said lands at the time the same is conveyed to the Government of the Philippine Islands desire to purchase the land so occupied by him, he shall be entitled to do so at the actual cost thereof to the Government, and shall be allowed ten years from the date of purchase within which to pay for the same in equal annual installments, if he so desires, all deferred payments to bear interest at the rate of four per centum per annum.

SEC. 12. It shall be the duty of the Chief of the Bureau of Public Lands by proper investigation to ascertain what is the actual value of the parcel of land held by each settler and occupant, taking into consideration the location and quality of each holding of land and any other circumstances giving it value. The basis of valuation shall likewise be, so far as practicable, such that the aggregate of the values of all the holdings included in each particular tract shall be equal to the cost to the Government of the entire tract, including the cost of surveys, administration, and interest upon the purchase money to the time of sale. When the cost thereof shall have been thus ascertained, the Chief of the Bureau of Public Lands shall give the said settler and occupant a certificate which shall set forth in detail that the Government has agreed to sell to such settler and occupant the amount of land so held by him, at the price so fixed, payable as provided in this Act at the office of the Chief of the Bureau of Public Lands, in gold coin of the United States or its equivalent in Philippine currency, and that upon the payment of the final installment together with all accrued interest the Government will convey to such settler and occupant the said land so held by him by proper instrument of conveyance, which shall be issued and become effective in the manner provided in section one hundred and twenty-two of the Land Registration Act. The Chief of the Bureau of Public Lands shall, in each instance where a certificate is given to the settler and occupant of any holding, take his formal receipt showing the delivery of such certificate, signed by said settler and occupant.

SEC. 13. The acceptance by the settler and occupant of such certificate shall be considered as an agreement by him to pay the purchase price so fixed and in the installments and at the interest specified in the certificate, and he shall by such acceptance become a debtor to the Government in that amount together with all accrued interest. In the event that any such settler and occupant may desire to pay for his holding of said lands in cash, or within a shorter period of time than that above specified, he shall be allowed to do so, and if payment be made in cash the lands shall at once be conveyed to him as above provided. But if the purchase is made by installments, the certificate shall so state in accordance with the facts of the transaction: *Provided, however*, That every settler and occupant who desires to purchase his holding must enter into the agreement to purchase such holding by accepting the said certificate and executing the said receipt whenever called upon so to do by the Chief of the Bureau of Public Lands, and a failure on the part of the settler and occupant to comply with this requirement shall be considered as a refusal to purchase, and he shall be ousted as above provided and thereafter

his holding may be leased or sold as in case of unoccupied lands : *And provided, further*, That the Chief of the Bureau of Public Lands in his discretion may require of any settler and occupant so desiring to purchase that, pending the investigation requisite to fix the precise extent of his holding and its cost, he shall attorn to the Government as its tenant and pay a reasonable rent for the use of his holding ; but no such lease shall be for a longer term than three years, and refusal on the part of any settler and occupant so desiring to purchase to execute a lease pending such investigation shall be treated as a refusal either to lease or to purchase, and the Chief of the Bureau of Public Lands shall proceed to oust him as in this Act provided.

SEC. 14. It shall be the duty of the Chief of the Bureau of Public Lands to collect and receive all rent and installments of purchase money and interest thereon due and payable under the provisions of this Act, and to give proper receipts and acquittances therefor and make proper record thereof in the books of his office.

SEC. 15. The Government hereby reserves the title to each and every parcel of land sold under the provisions of this Act until the full payment of all installments of purchase money and interest by the purchaser has been made, and any sale or incumbrance made by him shall be invalid as against the Government of the Philippine Islands and shall be in all respects subordinate to its prior claim.

SEC. 16. In the event of the death of a holder of a certificate the issuance of which is provided for in section twelve hereof, prior to the execution of a deed by the Government to any purchaser, his widow shall be entitled to receive a deed of the land stated in the certificate upon showing that she has complied with the requirements of law for the purchase of the same. In case a holder of a certificate dies before the giving of the deed and does not leave a widow, then the interest of the holder of the certificate shall descend and deed shall issue to the persons who under the laws of the Philippine Islands would have taken had the title been perfected before the death of the holder of the certificate, upon proof of the holders thus entitled of compliance with all the requirements of the certificate. In case the holder of the certificate shall have sold his interest in the land before having complied with all the conditions thereof, the purchaser from the holder of the certificate shall be entitled to all the rights of the holder upon the certificate upon presenting his assignment to the Chief of the Bureau of Public Lands for registration.

SEC. 17. In the event that any lessee or purchaser of land under the provisions of this Act should fail to pay his rent or any installment of purchase money and interest thereon, or accrued interest on any installment not due, when and as the same matures, it shall be the duty of the Chief of the Bureau of Public Lands at once to protect the Government from loss. In the case of a lease, when the lessee is delinquent in payment of rent, the Chief of the Bureau of Public Lands is empowered to declare the lease forfeited, making proper entry to that effect in the books of his office and giving notice thereof to the tenant, and to enter upon and take possession of the land held by the lessee and bring suit against the lessee for all rent due ; in the case of a delinquent purchaser, the Chief of the Bureau of

Public Lands may enforce payment of any past-due installment and interest by bringing suit to recover the same with interest thereon, and also to enforce the lien of the Government against the land by selling the same in the manner provided by Act Numbered One hundred and ninety for the foreclosure of mortgages. In the event of such sale the purchaser at such sale shall acquire a good and indefeasible title. The proceeds of sale shall be applied to the payment of the costs of court and of all installments due or to become due on such land. If the proceeds of the sale are sufficient to pay all delinquent installments as well as all future installments and all costs of the litigation, there shall be no further claim or liability against the original purchaser. If the proceeds of the sale of said lands should amount to more than sufficient to pay all purchase money and interest due to the Government and costs of suit, the surplus thereof shall be returned to the original purchaser, or to the person entitled thereto.

SEC. 18. No lease or sale made by the Chief of the Bureau of Public Lands under the provisions of this Act shall be valid until approved by the Secretary of the Interior.

SEC. 19. No purchaser or lessee under this Act shall acquire any exclusive rights to any canal, ditch, reservoir, or other irrigation works, or to any water supply upon which such irrigation works are or may be dependent, but all of such irrigation works and water supplies shall remain under the exclusive control of the Government of the Philippine Islands and be administered under the direction of the Chief of the Bureau of Public Lands for the common benefit of those interests dependent upon them. And the Government reserves as a part of the contract of sale in each instance the right to levy an equitable contribution or tax for the maintenance of such irrigation works, the assessment of which shall be based upon the amount of benefits received, and each purchaser under this Act, by accepting the certificate of sale or deed herein provided to be given, shall be held to assent thereto. And it is further provided that all lands leased or conveyed under this Act shall remain subject to the right of way of such irrigation canals, ditches, and reservoirs as now exist or as the Government may hereafter see fit to construct.

SEC. 20. All persons receiving title to lands under the provisions of this Act shall hold such lands subject to the same public servitudes as existed upon lands owned by private persons under the sovereignty of Spain, including those with reference to the littoral of the sea and the banks of navigable rivers and rivers upon which rafting may be done.

SEC. 21. The Civil Governor, when authorized by resolution of the Commission, may, by proclamation, designate any tract or tracts of said lands as nonalienable, and reserve the same for public use, and thereafter such tracts shall not be subject to sale, lease, or other disposition under this Act.

SEC. 22. It shall be the duty of the Chief of the Bureau of Public Lands to make quarterly reports, through the Secretary of the Interior, to the Commission showing the lands leased or sold by him in accordance with the provisions of this Act, the amounts of money

derived from such rentals and sales, and such other information as in his opinion may be of value to the Commission in connection with the said lands and their administration and disposition as provided by this Act. Both the Secretary of the Interior and the Chief of the Bureau of Public Lands shall have the right to require of the special counsel named in the first section hereof, or of their successors, such advice and assistance as from time to time may be required by them in the performance of their duties under this Act, and it shall be the duty of said counselors to give such legal advice and assistance.

SEC. 23. All moneys derived by the Chief of the Bureau of Public Lands from the leasing or sale of said lands, or from interest on deferred payments thereon, shall by him be promptly deposited in the Insular Treasury. Such moneys shall be by the Treasurer held separate and apart from general insular funds and shall constitute a trust fund for the payment of the principal and interest of the seven million two hundred and thirty-seven thousand dollars of bonds, issued and sold by the Secretary of War in the name and on behalf of the Government of the Philippine Islands for the purpose of raising money to pay the purchase price of said lands as provided in Act Numbered Ten hundred and thirty-four, entitled "An Act providing for the issue of bonds of the Government of the Philippine Islands to the amount of seven million two hundred and thirty-seven thousand dollars, gold coin of the United States of the present standard value, for the purpose of acquiring funds for the payment of the purchase price of certain large tracts of land in the Philippine Islands, commonly known as the friar lands, pursuant to the provisions of sections sixty-three, sixty-four, and sixty-five of the Act of Congress entitled 'An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' approved July first, nineteen hundred and two." Said money shall also constitute a sinking fund for the payment of said bonds at maturity and may be invested and reinvested in safe interest-bearing bonds or other securities, which shall likewise be held by the Treasurer as a part of such sinking fund, and all interest, dividends or profits derived from said bonds or other securities thus purchased shall likewise be a part of such sinking fund and may in turn be invested and reinvested in bonds or other securities. All purchases of bonds or other securities by the Treasurer shall be subject to the approval of the Secretary of Finance and Justice.

SEC. 24. The Chief of the Bureau of Public Lands, under the supervision of the Secretary of the Interior, shall prepare and issue such forms and instructions, consistent with this Act, as may be necessary and proper to carry into effect all the provisions hereof that are to be administered by or under the direction of the Bureau of Public Lands, and for the conduct of all proceedings arising under such provisions.

SEC. 25. The sum of ten thousand pesos, Philippine currency, is hereby appropriated, out of any funds in the Insular Treasury not otherwise appropriated, for the purpose of paying the salary of the special counsel referred to in the first section hereof and for making

the investigations and surveys required hereby and for the general carrying out of the provisions of this Act.

SEC. 26. The short title of this Act shall be "The Friar Lands Act."

SEC. 27. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 28. This Act shall take effect on its passage.

Enacted, April 26, 1904.

[No. 1148.] AN ACT TO REGULATE THE USE OF THE PUBLIC FORESTS AND FOREST RESERVES IN THE PHILIPPINE ISLANDS AND REPEALING GENERAL ORDERS, NUMBERED NINETY-TWO, SERIES OF NINETEEN HUNDRED, ACT NUMBERED TWO HUNDRED AND SEVENTY-FOUR, AND SECTIONS TWENTY OF ACT NUMBERED FORTY-NINE, ELEVEN OF ACT NUMBERED ONE HUNDRED AND NINETEEN, AND ELEVEN OF ACT NUMBERED ONE HUNDRED AND TWENTY.

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. The short title of this Act shall be "The Forest Act."

SEC. 2. The public forests and forest reserves of the Philippine Islands shall be held and administered for the protection of the public interest, the utility and safety of the forests, and the perpetuation thereof in productive condition by wise use; and it is the purpose of this Act to provide for the same.

SEC. 3. The public forests shall include all unreserved public lands covered with trees of whatever age.

SEC. 4. Upon the recommendation of the Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, the Civil Governor may set apart forest reserves from the public lands, and he shall by proclamation declare the establishment of such reserves and the boundaries thereof, and thereafter such forest reserves shall not be entered, sold, or otherwise disposed of, but shall remain as such for forest uses, and shall be administered, except as provided in this section, in like manner as the public forests under this Act: *Provided*, That the Civil Governor may in like manner by proclamation alter or modify the boundaries of any forest reserve from time to time, or revoke any such proclamation, and upon such revocation such forest reserve shall be and become part of the public lands as though such proclamation had never been made.

SEC. 5. The public forests and forest reserves and the timber, firewood, gums, and other products thereof shall not be sold, entered, leased, or otherwise disposed of except as herein provided: *Provided*, That any mining claim as defined in section one of Act Numbered Six hundred and twenty-four, entitled "An Act prescribing regulations governing the location and manner of recording mining claims, and the amount of work necessary to hold possession of a mining claim, under the provisions of the Act of Congress approved July

first, nineteen hundred and two, entitled 'An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' in any of the public forests and forest reserves shall be entered only as provided in said Act Numbered Six hundred and twenty-four, and the provisions of this Act shall not be applicable to the entry and location of such claims, but they shall be governed by Act Numbered Six hundred and twenty-four exclusively: *And provided further*, That the authority given by the Chief of the Bureau of Forestry, as hereinafter provided, to issue licenses for the taking of stone and earth from public forests and forest reserves shall be understood to apply only when such stone and earth is taken from lands not more valuable for mining purposes than for other purposes, and therefore not subject to entry as a mining claim.

SEC. 6. No prescriptive right to the use, possession, or enjoyment of any forest product, not any permanent concession, continuing right, privilege, or easement, of any kind whatsoever, upon or within or respecting the products of the public forests or forest reserves, shall accrue or be granted except as provided in this Act. But the public forests and forest reserves shall be and remain open of access for all lawful purposes to the people of the Philippine Islands except as provided in this Act.

SEC. 7. Lands in public forests, upon the certification of the Chief of the Bureau of Forestry that said lands are better adapted and more valuable for agricultural than for forest purposes and not required by the public interests to be kept under forest, shall be declared by the Secretary of the Interior to be agricultural lands.

When in his opinion the public interests so require, the Chief of the Bureau of Forestry may make application to the Chiefs of the Bureaus of Agriculture and Public Lands for the detail of an official from each of said Bureaus to form, with an official from the Bureau of Forestry, a committee for the purpose of assisting said Chief of the Bureau of Forestry in making this certification, and upon the receipt of such application it shall be the duty of each of said Chiefs of the Bureaus of Agriculture and Public Lands to direct one of his subordinates to render the assistance applied for.

SEC. 8. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, shall prescribe such regulations not inconsistent with the provisions of this Act as may be expedient or necessary for the protection, management, reproduction, occupancy, and use of the public forests and forest reserves, and the said Chief, with the approval of the Secretary of the Interior, is hereby authorized to alter and revise such regulations. He shall in particular provide for the use of the public forests and forest reserves in such manner as to insure for the future a continued supply of valuable timber and other forest products.

SEC. 9. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may, upon proper terms which he may deem reasonable, lease, as herein provided, tracts of land not exceeding four hectares in extent in the public forests and forest reserves, to any person or to any association of persons holding timber licenses,

for occupancy as sites for sawmills or timber depots, and the Secretary of the Interior may grant free rights of way through the public lands to enable such persons or association of persons to get access to the land to which such licenses apply.

SEC. 10. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may select for sale or disposal, and may sell or dispose of by license, from the public forests and forest reserves, at rates of charge to be established by him in accordance with the provisions of sections eleven and twelve of this Act, any timber, firewood for commercial use, gums, resins, and other forest products, whose removal will not be detrimental to the public forests or forest reserves or to the interests which depend upon them.

SEC. 11. For the purposes of this Act the various provinces in the Philippine Islands are divided into two classes:

Class A shall include the Provinces of Abra, Bataan, Batangas, Benguet, Bulacan, Capiz, Cavite, Cebu, Ilocos Norte, Ilocos Sur, Iloilo, La Laguna, Nueva Ecija, Pampanga, Pangasinan, Romblon, Rizal, Sorsogon, Tarlac, Union, and Zambales.

Class B shall include the Provinces of Albay, Ambos Camarines, Antique, Bohol, Cagayan, Camarines, Isabela, Lepanto-Bontoc, Leyte, Masbate, Mindoro, Misamis, Moro, Negros Occidental, Negros Oriental, Nueva Vizcaya, Paragua, Samar, Surigao, and Tayabas.

For the purposes of this Act the various native trees are divided into four groups:

The first group shall include acle, betis, baticulin, camagon, ebony, ipil, lanete, mancono, molave, narra, tindalo, and yacal.

The second group shall include alupag, aranga, banaba, bansalaguin, banuyo, batitinan, bolongeta, calamansanay, canlantas, dungon, guiyo, macaasin, malacadios, mangachapuy, palo Maria, supa, teak, and tucan-calao.

The third group shall include agoho, amuguis, anubing, apitong, batino, bitanhol, catmon, calumpit, cupang, dalinsi, dita, dungonlate, malacmalac, malapapaya, malasantol, mayapis, nato, palosapis, panao, sacat, santol, tamayuan, and tanguile.

The fourth group shall include anaho, anam, apuit, bacao, balacat, balinhasay, batete, bayoc, bonga, bulao, lauan, malaanonang, malabalac, malabonga, mangasinoro, manicnic, pagatpat, and pagsainguin.

SEC. 12. The metric system of weights and measures, as adopted by sections thirty-five hundred and sixty-nine and thirty-five hundred and seventy of the Revised Statutes of the United States, shall be used.

On each cubic meter of timber which may be cut in any public forest or forest reserve in any of the provinces of the Philippine Islands for domestic sale or consumption, or for export, there shall be paid, within thirty days from date of the receipt by the owner or his agent of the order of payment of the Government charge on the same, into the Insular Treasury, as provided by existing law, the following sums:

On all timber included in the first group cut in any province in Class A, five pesos; when cut in any province included in Class B, two pesos and fifty centavos.

On all timber included in the second group cut in any province included in Class A, three pesos; when cut in any province included in Class B, one peso and fifty centavos.

On all timber included in the third group cut in any province included in Class A, one peso and fifty centavos; when cut in any province included in Class B, one peso.

On all timber included in the fourth group and on all nonenumerated timber cut in any province included in Class A, one peso; when cut in any province included in Class B, fifty centavos: *Provided*, That when timber cut in provinces included in Class A has been selected for felling by duly authorized forest officials, the rates on such timber shall be only such as are fixed in this section to timber cut in provinces included in Class B: *And provided further*, That the taxes imposed in this section on ebony and camagon shall be charged on said timbers when presented for measurement and appraisal with the sapwood still attached; and the number of cubic meters in each piece of timber so measured shall include the sapwood attached to the same, and when ebony or camagon timber from which the sapwood has been stripped is presented for measurement and appraisal, there shall be assessed and collected the following sums:

On each cubic meter of ebony cut in any province included in Class A, thirteen pesos and fifty centavos; when cut in any province in Class B, six pesos. On each cubic meter of camagon cut in any province included in Class A, eight pesos; when cut in any province in Class B, four pesos and fifty centavos.

The volume of all round timber shall be ascertained by multiplying the area of the small end by the length of the log. The volume of all squared timber shall be ascertained by multiplying the average cross section by the length, to which twenty-five per centum shall be added for loss in squaring. The volume of all sawn timber shall be ascertained by multiplying the average cross section by the length, to which fifteen per centum shall be added for loss in sawing.

All timber included in the preceding section in the third and fourth groups and all nonenumerated timber cut in any province, known in the market under the name of "raja" and which shall not exceed one and one-half meters in length and fifteen centimeters in diameter, shall be classed as firewood, and the following taxes shall be collected thereon:

On all firewood consisting of "rajas" from sixty centimeters to one and one-half meters in length, and from seven centimeters to fifteen centimeters in diameter, one peso for each one thousand rajas.

On all firewood consisting of pieces of timber less than sixty centimeters in length and less than seven centimeters in diameter, ten centavos per cubic meter: *Provided*, That whenever in the opinion of the Chief of the Bureau of Forestry the preservation and use of the public forests and forest preserves shall render necessary the removal of the tops of fallen timber, said tops when removed in accordance with the regulations prescribed by the Chief of the Bureau of For-

estry, shall be exempted from the payment of any tax imposed in this section on timber or firewood or other forest products.

On all gums and resins and other forest products gathered or removed from any province there shall be paid on the actual market value thereof ten per centum. The Collector of Internal Revenue and the Chief of the Bureau of Forestry shall upon the passage of this Act, and from time to time thereafter, make a joint assessment of the actual market value of the various products on which taxes are imposed in this section; said assessments shall be made from the most reliable data available and shall be published in the Official Gazette for the information of taxpayers.

SEC. 13. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may, as herein provided, issue licenses for the cutting, collection, and removal of timber, firewood, gums, resins, and other forest products from the public forests and forest reserves. Every license so issued shall specify in detail the rights to which it entitles the holder and shall provide, whenever practicable, for exclusive territory in similar products to each licensee. All licenses for timber shall provide for the selection of said timber before cutting: *Provided*, That when absolutely necessary the selection of timber or the granting of exclusive territory may, in the discretion of the Chief of the Bureau of Forestry, be omitted in any license terminating not later than June thirtieth, nineteen hundred and eight, after which date the selection of timber and the granting of exclusive territory whenever practicable shall be required.

SEC. 14. No license granted under the provisions of this Act shall continue in force for more than twenty years. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may, in granting any exclusive license, prescribe such terms, conditions, and limitations not inconsistent with the provisions of this Act, including a minimum amount of timber to be cut within a specified period or periods of time, as may be deemed by the Chief of the Bureau of Forestry and Secretary of the Interior to be in the public interest, and may provide in such licenses for forfeiture thereof in case of violation of such terms, conditions, or limitations.

SEC. 15. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, shall publicly announce what classes of licenses shall be issued.

SEC. 16. The Chief of the Bureau of Forestry may, for violations of the Forest Act or of the regulations, to be determined and declared by him, with the approval of the Secretary of the Interior, revoke or temporarily suspend any license.

SEC. 17. A gratuitous license to cut and use timber for mining purposes shall be granted on application to the holder, locator, owner, lessee, or operator of a mining claim. Said license shall be limited to the claim on which the timber is cut, and no timber shall be used under such license except in the development of the claim upon which it is cut. Said license shall specify the kinds and uses of the timber to which it entitles the holder, and the territorial limits within which it is valid. A miner's timber license to cut timber in

the public forests or forest reserves other than that standing on the claim and desired for the development of said claim may be obtained on application by the holder, locator, owner, lessee, or operator of a mining claim. Said license shall specify the kinds and uses of the timber to which it entitles the holder and the territorial limits within which it is valid. The Government charge on timber thus used under a miner's timber license shall be one-half the rate prescribed for the province within which said timber is cut.

SEC. 18. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may designate for sale or disposal, and may sell or dispose of by license from the public forests and forest reserves, stone or earth the removal of which will not be detrimental to the public forests or forest reserves or to the interests which depend upon them. The rates of charge shall be determined by him in each case with like approval.

The Chief of the Bureau of Forestry may, with the approval of the Secretary of the Interior, grant licenses for the removal of such stone or earth, and in such licenses may prescribe such terms, conditions, and limitations, including a minimum amount of stone or earth to be removed within a specified period or periods of time as may be deemed by the Chief of the Bureau of Forestry and the Secretary of the Interior in the public interest, and may provide in such licenses for forfeiture thereof in case of violation of such terms.

SEC. 19. The Chief of the Bureau of Forestry, under regulations to be prescribed by him, with the approval of the Secretary of the Interior, may grant gratuitous licenses for the free use of timber, firewood, gums, resins, and other forest products, and of stone and earth, in reasonable quantities and within definite territorial limits, for domestic purposes, and not for sale, barter, or any other use whatsoever. He may also, within definite territorial limits, similarly prescribe the free use of forest products and of stone and earth for public works: *Provided*, That a gratuitous license for woods of the first group shall not be issued.

SEC. 20. The Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, may, when the public interests so require, make requisition upon the Bureau charged with public surveys, to proceed to demarcate, establish on the ground, and erect monuments along the boundaries of any public forest or forest reserves; and it shall be the duty of the last-named Bureau to comply with said requisition: *Provided*, That no duplication of work shall be caused by such demarcation: *And provided further*, That the cost of such demarcation shall be defrayed from the revenues of the public forests or forest reserves.

SEC. 21. In order to promote uniformity and cooperation in the forest work of the Philippine Islands and the United States, and to facilitate the comparison of results, the methods of the Philippine Bureau of Forestry in forest measurements, timber tests, silvicultural observations, and other forest work, shall, so far as practicable, and in the discretion of the Chief of the Bureau of Forestry, be based upon the corresponding methods of the Bureau of Forestry of the United States Department of Agriculture.

SEC. 22. No officer or employee of the Bureau of Forestry shall have any pecuniary interest in any forest or in any business in lumber, firewood, gums, resins, or other forest products, or stone or earth, in the Philippine Islands: *Provided*, That this prohibition shall not apply to guards or assistant guards, or to persons temporarily acting as guards or assistant guards.

SEC. 23. Every official, employee, or agent of the Bureau of Forestry is empowered to make arrests without process in or upon the public forests or forest reserves, or territory adjacent thereto, of any person who is committing or attempting to commit any violation of this Act or the regulations established thereunder, and it shall be the duties of governors of provinces, the Philippines Constabulary, and of municipal presidents to assist in making the arrests prescribed in this section when called upon to do so. Where the person or persons found violating the provisions of this Act are members of a non-Christian tribe, they shall be dismissed with a warning in the case of a first offense, but upon conviction of a second offense shall be punished as in this Act provided for violations hereof. When any arrest is made under the provisions of this section without warrant, the official, employee, or agent of the Bureau of Forestry shall obtain a warrant from competent authority at the earliest practicable moment under the circumstances. Prisoners with or without warrant shall in all cases within twenty-four hours, if reasonably practicable, be brought before a judge or justice of the peace having jurisdiction over the offense for examination and release under bail if the offense is bailable.

SEC. 24. Every private owner of forest land shall register his title to the same with the Chief of the Bureau of Forestry. In the absence of such registration, wood cut from alleged private lands and not from public forests or forest reserves shall be considered as cut under license from public forests or forest reserves, and shall be subject to all provisions of this Act and of the regulations established thereunder in such case applicable.

When in his opinion the public interests so require, the Chief of the Bureau of Forestry may make application to the examiner of the Court of Land Registration or the fiscal of the province in which the land lies, for such assistance as may be necessary in the examination of the titles thereof, with a view to their registration in the Bureau of Forestry, and upon the receipt of such application it shall be the duty of the fiscal or examiner of titles, as the case may be, to render the assistance applied for by the Bureau of Forestry.

SEC. 25. The cutting, clearing, or destroying of the public forests or forest reserves, or any part thereof, for the purpose of making cainguns, without lawful authority, is hereby prohibited, and whoever, in violation of this provision, shall cut, clear, or destroy the same, for such purpose, or shall willfully or negligently set fire thereto, shall, upon conviction by a court of competent jurisdiction, be punished by a fine not exceeding a sum equivalent to twice the regular Government charge upon the timber so cut, cleared, or destroyed, and, in addition thereto, by imprisonment not exceeding thirty days, in the discretion of the court.

The cutting, collecting, destroying, or removing of timber or other forest products, stone, or earth from the public forests or forest reserves for any other purpose than making a cainguin, without license, permit, or other sufficient authority, is hereby prohibited, and any person who, in violation of this provision, shall so cut, collect, destroy, or remove the same, by himself, through an agent or employee, or for account of another, shall, in addition to the payment of the regular Government charge on such timber, forest products, stone, or earth, be subject to the payment of an additional sum equivalent to the regular Government charge thereon, which shall be collected as in this Act provided in the case of other Government charges.

SEC. 26. Whenever an exclusive license of any class shall have been issued (to any person, company, corporation, or other association) for the cutting or removing, from the public forests or forest reserves, of timber, firewood, or other forest products, stone, or earth, it shall be unlawful for any other person, company, corporation, or association, while such license is in force, to enter or operate within the territory covered by such exclusive license contrary to the terms thereof: *Provided*, That the residents within or adjacent to said territory may be permitted to cut or remove timber, firewood, other forest products, stone, or earth for domestic purposes.

If, contrary to the provisions of this section, any person, company, corporation, or other association shall enter upon, and shall cut or remove, or attempt to cut or remove, timber, firewood, other forest products, stone, or earth, said property so attempted to be cut or removed shall be seized as Government property, by the local forest official or other representative of the Forestry Bureau, and the person making the seizure shall promptly notify the holder of the exclusive license affected thereby, and the said property so seized shall be surrendered to him upon the payment of the proper Government charges thereon. Should, however, acceptance of said property and the payment of the charges thereon be refused, it shall be disposed of in the manner provided in section thirty-two of this Act for the disposition of forest products, stone, or earth on which the Government charges have not been paid, and the proceeds turned over to the proper official to whom the Government charges thereon should have been paid.

SEC. 27. No fire for clearing shall be started on private forests, woodlands, or fields adjoining public forests or forest reserves, without written permission first obtained from the local forest officer, or, in the absence of such officer, from the president of the municipality or settlement in which such forests, woodlands, or fields are situated. A copy of said written permission, when given by a president, shall be furnished by him to the local forest officer prior to the burning contemplated, when practicable; and said fires shall, when practicable, be lighted in the presence of such forest officer, president, or other duly authorized municipal official. Any person violating any of the provisions of this section shall, upon conviction, be subject to a fine not exceeding one hundred pesos or by imprisonment not exceeding thirty days, or both.

SEC. 28. Whoever, without authority of law, shall cut, make, manufacture, or have in his possession any Government marking hatchet or other marking implement, or any mark, poster, or other device officially used by officers of the Bureau of Forestry for the marking or identification of timber or other forest products, or any duplicate, counterfeit, or imitation thereof, or who shall fraudulently make or apply a Government mark to timber or any other forest product by means of any authentic or counterfeit Government marking hatchet, implement, mark, poster, or other device, or who shall fraudulently alter, deface, or remove Government marks from logs, stumps, firewood, or other forest products, shall, upon conviction be punished by a fine not exceeding five hundred pesos or by imprisonment not exceeding one year, or both.

SEC. 29. Neglect, unreasonable delay, or falsification in the making of reports, presentation of papers, or in other acts required by the provisions of this Act or the Forestry Regulations, or refusal to make reports, present papers, or to perform other acts required by this Act or the Forestry Regulations, shall, upon conviction, unless otherwise specially provided by law, be punished by a fine not to exceed two hundred pesos.

SEC. 30. Whoever, in violation of the provisions of this Act or of the Forestry Regulations or orders made in accordance herewith, transports, removes, or discharges from any ship, boat, raft, car, cart, or other means of transportation, forest products, or stone or earth, or fails to pay the amounts due the Government on forest products, stone, or earth for a period of more than thirty days from the date of the receipt by him or his agent of the order directing the payment of the same, shall, in addition to the regular Government charges thereon, be subject to the payment of the sum of fifty per centum thereof, to be collected as in this Act provided for the collection of other Government charges.

SEC. 31. In the absence of a local forest officer the president of the municipality or settlement within which timber or other forest products are cut or collected shall act in his stead. Any president who, in the absence of a local forest officer, shall neglect, refuse, or unreasonably delay to prepare and sign a statement of timber or other forest products, stone, or earth cut or collected within the territory under his authority, or to inspect firewood or other forest products cut or collected for local use in said territory, or to perform other acts required by the provisions of this Act, shall, upon conviction, be subject to a fine not to exceed fifty pesos; and the Chief of the Bureau of Forestry, with the approval of the Secretary of the Interior, shall prepare and furnish to local presidents the necessary instructions defining their duties under this Act.

SEC. 32. Forest products, stone, or earth on which the Government charges have not been paid as prescribed by law, and which have been seized in accordance with the provisions of this Act, shall be offered for sale at public auction, unless redeemed as hereinafter provided.

Fifteen days after any tax on any forest products, stone, or earth shall have become due and remains unpaid the local forest officer

shall prepare and sign a certified copy of the records of his office showing the person or persons delinquent in payment of such taxes, the amounts thereof, and of the costs and additional charges respectively due from him or them. The forest officer thereupon shall proceed at once to seize the forest products, stone, or earth of the delinquent, and, unless redeemed as hereinafter provided, to sell at public auction, at some public place near where such property is seized, as the local forest officer shall determine, so much of the same as shall satisfy the tax, additional charges, and costs of seizure and sale, to the highest bidder for cash, after due advertisement by notice posted at the main entrance of the municipal building in the municipality in which such seizure is made and at a public and conspicuous place in the barrio in which the property was seized, stating the time, place, and cause of sale. The certified copy of the local forest officer's record of delinquents, attested by the secretary of the municipality within which the forest products were seized, approved by the forest inspector or forester in charge of the forest or inspection district, shall be his warrant for thus proceeding, and the purchaser at such sale shall acquire an indefeasible title to the property sold. Within two days after the sale the local forest officer shall make return of his proceedings in writing to the Bureau of Forestry and shall reserve a copy thereof to be kept by him as an official record, which shall also be attested by the municipal secretary: *Provided*, That if there is no bidder, or if the highest bid is only equal to or less than the sum total of the taxes, costs, and additional charges, the Chief of the Bureau of Forestry shall have discretionary power to declare the same sold to the Government in satisfaction of such taxes, costs, and charges, and to invoice said products to the provincial supervisor or to any other public official charged with similar duties, for use in public works. The proceeds of such auction sales shall be paid to the official to whom the Government charges on the same should have been paid, who shall pay any surplus resulting from the sale over and above the tax, costs, and additional charges to the person on account of whose delinquency the sale has been made.

SEC. 33. The owner of forest products seized may redeem the same from the local forest officer or collecting officer at any time after seizure and before sale by tendering to him the amount of the taxes, costs, and additional charges incurred up to the time of tender. The costs to be charged in making such seizure and sale shall embrace only the actual expense of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the local forest officer or collecting officer or his deputy.

SEC. 34. Whenever authority is given in this Act for the imposition of any additional charge administratively, any person aggrieved by the imposition of such additional charge may, within twenty days after payment thereof, appeal therefrom to the Court of First Instance of the province in which the additional charge was imposed, and that court shall have jurisdiction, after due hearing, to confirm the imposition of the additional charge or to reverse or modify the same. Judgments of the Courts of First Instance in such

cases shall be certified to the Bureau of Forestry, and, when in favor of the taxpayer, such judgment shall also be certified to the Auditor for the Philippine Islands, who shall issue a certificate for payment by settlement warrant upon the Insular Treasurer, under the provisions of Act Numbered three hundred fifty-seven, and shall charge the amount of the warrant against the forestry collections of the province and municipality from which the timber was cut or the forest product obtained: *Provided*, That if an appeal from the judgment of the Court of First Instance is taken by the Bureau of Forestry, the Chief of said Bureau shall immediately notify the Auditor, who shall withhold settlement of the account pending final decision of the court.

SEC. 35. From and after May twentieth, nineteen hundred and four, there shall be paid on all timber, firewood, gums, resins, and other forest products, and stone and earth cut, gathered, or removed from all public forests or forest reserves on and after May twentieth, nineteen hundred and four, the respective taxes, costs, and additional charges imposed on such products in this Act. The payment of all such taxes shall be made within thirty days after the date of the receipt by the owner or his agent of the order directing payment, and the payment of the proceeds of auction sales, and of all charges and costs imposed by officers or employees of the Bureau of Forestry, shall be made immediately upon the receipt of the order directing payment, to collectors of internal revenue or to provincial or municipal treasurers, as provided by law. The charges prescribed by General Orders, Numbered Ninety-two, series of nineteen hundred, office of the United States Military Governor of the Philippine Islands, shall be collected on all forest products cut, gathered, or removed prior to May twentieth, nineteen hundred and four.

SEC. 36. All sums of money mentioned in this Act shall be deemed to be in Philippine currency.

SEC. 37. General Orders, Numbered Ninety-two, series of nineteen hundred, issued by the Military Governor of the Philippine Islands; Act Numbered Two hundred and seventy-four, entitled "An Act prohibiting the unauthorized destruction of timber on public lands;" section twenty of Act Numbered Forty-nine, entitled "An Act providing for the establishment of a civil government for the Province of Benguet;" section eleven of Act Numbered One hundred and nineteen, entitled "An Act extending the provisions of the Provincial Government Act and the Municipal Code to the Province of Occidental Negros;" and section eleven of Act Numbered One hundred and twenty, entitled "An Act extending the provisions of the Provincial Government Act and the Municipal Code to the Province of Oriental Negros," are hereby repealed.

SEC. 38. This Act shall take effect on its passage, except sections eleven, twelve, and thirty-seven, which shall take effect May twentieth, nineteen hundred and four.

Enacted, May 7, 1904.

THE FOREST REGULATIONS.

These regulations are established in accordance with the provisions of The Forest Act (No. 1148).

I. (a) Forest reserves differ from public forests in that the former are exempt from entry (except for mining claims) and sale.

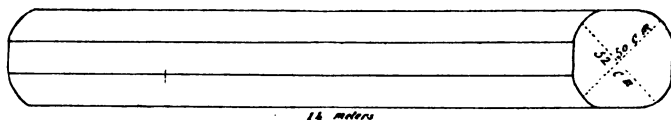
(b) Licenses will be issued for the cutting, collection, and removal of forest products from forest reserves. The operations of licensees on forest reserves will be subject to the constant and personal supervision of the officers in charge.

II. (a) Land will be considered more valuable for agricultural than for forest purposes if worth more per acre cleared than are land and trees together when not cleared.

(b) Persons who desire to enter agricultural land in any public forest, in accordance with the provisions of section seven of The Forest Act, must, before making such entry, obtain from the Chief of the Bureau of Forestry a certificate setting forth that said land is more valuable for agricultural than for forestry purposes and is not required by public interests to be kept under forest. Blank forms of application for such certificate will be supplied by the Bureau of Forestry on request.

III. Sites for sawmills or timber depots not exceeding four hectares in extent may be leased to holders of timber licenses for periods of not more than twenty years, under such property terms, not inconsistent with the provisions of section nine of The Forest Act, as may be deemed reasonable by the Chief of the Bureau of Forestry, approved by the Secretary of the Interior, and included in each instance in the lease. Blank forms of application for such leases may be obtained from the Bureau of Forestry.

IV. The volume of approximately octagonal logs (four sides being hewn and the other four unhewn) will be ascertained by multiplying eight-tenths of the square of the average diameter connecting the two pairs of opposite unhewn sides of the smaller end and multiplying the result by the length.



Example: Average diameter between opposite unhewn sides of smaller end, 51 centimeters; length, 14 meters. $.51 \times .51 \times .8 \times 14 = 2.923$ cubic meters.

V. In the measurement of a log having an eye-hole or a rope hole in one end, the length taken will be the distance from such hole to the more distant end of the log: *Provided*, That if such hole be more than thirty centimeters from the nearer end of the log, thirty centimeters only will be deducted from the full length of the log in estimating the length for the purpose of determining its cubic contents.

VI. The volume of pieces of timber which come to a point or nearly to a point at one end, will be determined by multiplying the square of the average diameter by eight-tenths and the result by the length; one-half of the diameter of the large end will be considered the average diameter.

VII. Pieces of wood more than one and one-half meters in length and fifteen centimeters in diameter will be designated as timber.

VIII. In determining the Government charges on minor forest products other than firewood—i. e., charcoal (carbon vegetal), gums (gomas and gutapercha), resins (almaciga and breas), wood oils (balao), dyewood (sibucan), maderas tintoreas, dyebark (nigue), and tanbark (cascalote)—the actual value at the market nearest the forest where the product is gathered will be taken as the "actual market value." The following weights and measures will be used in manifesting such minor forest products:

The metric quintal for gums, resins, and dyewoods.

The liter for wood oils.

The cubic meter for charcoal.

Tanbark and dyebark will be estimated by the thousand pieces, provided that where the pieces are not of uniform size or are so small as to make their counting burdensome, the metric quintal may be used.

GENERAL PROVISIONS RELATIVE TO LICENSES.

IX. (a) Licenses issued under the provisions of The Forest Act will entitle the holders for certain fixed periods of time to enter upon definite tracts of public land and obtain therefrom, under conditions stated in the licenses, the material designated therein, but will not convey any further right or authority.

(b) Licenses to cut, collect, and remove timber, firewood, gums, resins, or other forest products from public forests and forest reserves will, with the approval of the Secretary of the Interior, be granted by the Chief of the Bureau of Forestry: *Provided*, That special authority to grant licenses for small amounts of forest products may be given by the Chief of the Bureau of Forestry to foresters, assistant foresters, inspectors, and assistant inspectors. They will be of the following four general classes:

(1) *License agreements*, which will provide for the exclusive privilege of cutting, collecting, and removing forest products for a period not to exceed twenty years over areas of public forest larger than those granted in ordinary licenses.

These agreements will provide certain conditions, limitations, and restrictions, including a minimum amount of timber to be cut during the first year, and methods of cutting and hauling the same to prevent undue injury to the forest, responsibility of agents and employees, and the charges to be collected on forest products.

(2) *Miners' licenses*, which will provide for the cutting, collecting, and removing of timber from the public forests or forest reserves for use in developing the mines mentioned in the licenses. The timber so cut to be paid for at one-half the ordinary Government charges on such timber.

(3) *Gratuitous licenses*, which will provide for the cutting, collecting, and removing of forest products from public forests and forest reserves free of charge. Such licenses may be granted under certain conditions, restrictions, and limitations to needy residents, miners, or to officials for use in public works.

(4) *Ordinary licenses*, which will provide for the cutting, collecting, and removing from public forests and forest reserves of forest products on which the full charges prescribed in section 12 of The Forest Act are due.

(c) Every license issued will be delivered to the licensee attached within the covers of a book containing a copy of The Forest Act, of these regulations, and of any special rules applicable to said license, together with lists of the forest reserves and of protected areas, and such other information as may be deemed of value by the Chief of the Bureau of Forestry.

(d) In granting licenses covering given forest tracts or other tracts in their immediate vicinity, preference will be given to persons to whom licenses have previously been granted and who have obeyed the law and regulations and have aided in protecting the forests; to residents of municipalities or settlements in which the timber or other forest products to be collected are situated; to applicants for small amounts of timber or other forest products for their own immediate use; and to persons or associations of persons contemplating the employment upon a considerable scale of modern machinery and logging methods.

(e) Licenses will ordinarily be granted for a period of one year, except in cases where special cause is shown for granting them for a longer period.

(f) The number of licenses granted in each province will be limited, and will depend upon the forest conditions in the province and the needs of the people.

(g) No license will be granted except upon the express condition that the licensee assumes responsibility for all the acts of his agents.

APPLICATIONS FOR LICENSES.

X. (a) Applications for licenses must be made on official forms, which will be furnished on request by an executive officer of the Bureau of Forestry or by the Chief of the Bureau, and must contain the following information :

- (1) The class of license desired.
- (2) The kinds and amounts of timber or other forest products applied for.
- (3) The name, age, citizenship, residence, and occupation of the applicant.
- (4) A statement of former licenses granted to him or to any corporation, partnership, or association of persons with which he has been connected.
- (5) The amount of forest products gathered under last license granted applicant, if any.
- (6) Facilities for logging.
- (7) Amount of capital applicant has available and purposes to employ in operations under the license if granted.
- (8) Applicants for gratuitous licenses must state in detail the use to be made of the forest products for the taking of which a gratuitous license is requested, and any person making use of such forest products other than that stated in the license will be proceeded against under the provisions of section twenty-nine of The Forest Act.
- (9) Applications for gratuitous licenses to cut timber for public works must be forwarded by the local forest officer to the office of the person, if any, discharging the duties of provincial supervisor for the province in which the forest products for the taking of which license is requested are situated.
- (10) Residents of Manila who desire licenses to gather forest products in the provinces may file their applications in the Manila office.
- (11) When application is made for a license by an incorporated company, a certified copy of the articles of incorporation must be submitted with such application.

LICENSE AGREEMENTS.

XI. (a) A license agreement will be granted only for territory where extensive cutting, extending over a period of years can be allowed and where logging operations can be personally supervised by forest officers. A minimum annual cutting will be required, the amount so required to be cut depending upon the forest conditions in the territory covered by the license and the extent of the territory. Should the amount of timber cut be less than that prescribed in the license agreement, the Chief of the Bureau of Forestry may reduce the area of timber land covered by the license.

GRATUITOUS LICENSES.

XII. (a) Gratuitous licenses will be granted as follows :

- (1) A private gratuitous license for a needy resident will be issued only upon the certification of his need by the president of the municipality or settlement in which the applicant resides, or upon that of the local forest officer, and upon the sworn agreement by such applicant that he will employ the timber or use the forest products for which he applies solely for his own use and benefit and will not sell the same or dispose of it in any other manner than that authorized in the license. A private gratuitous license may be granted for not more than thirty cubic meters of timber of the second, third, or fourth groups. The amount of timber granted by gratuitous license to a needy resident will depend to some extent upon the abundance of bamboo in the vicinity of the applicant's residence.
- (2) A public gratuitous license for timber to be used in public works, entitling the holder free of charge to take such amount of timber as may be needed in the public works desired.
- (3) Miner's gratuitous license. (See Regulation XIII.)
- (b) If any person holding an ordinary license cuts or removes timber from public forests or forest reserves for a person holding a gratuitous timber license, such ordinary license may be forfeited. A gratuitous license will not be issued to a holder of an ordinary license of the same class. Holders of gratuitous licenses are prohibited from giving away or selling any wood or other forest products cut thereunder. Wood or other forest products cut must be used for

the purpose specified in the license and should there be any surplus the regular Government charges may be collected thereon.

(c) Should any person holding a gratuitous license for cutting or gathering forest products for his personal and exclusive use, or for public works, gather a greater quantity than is allowed by the license, or take different classes from those specified, or apply them to different objects from those stated in the license, such products will be considered as taken without a license, and the offender will be compelled to pay thereon the charges prescribed in section twenty-five of The Forest Act.

MINERS' LICENSES.

XIII. A miner's timber license or a miner's gratuitous license will be granted in accordance with the provisions of section seventeen of The Forest Act upon application by the holder, locator, owner, lessee, or operator of a mining claim who submits satisfactory evidence of registration of the claim on which he proposes to use the timber. Timber cut by miners in violation of The Forest Act, forest regulations, instructions or orders of forest officers may be considered as cut without license and charged for at double the full Government rate.

FORFEITURE OF ORDINARY TIMBER LICENSES.

XIV. Holders of ordinary timber licenses will be allowed four months' time within which to begin operations. At the expiration of that period, persons who have taken no advantage of their licenses may, unless good reason be shown, have them forfeited because of such failure to take advantage thereof. In the event of such forfeiture, applicants for timber licenses who are on the waiting list will be notified that they may renew their applications. Forest officers will report monthly on the report of utilization of forest products (Bureau of Forestry Form 17) the names of all holders of ordinary timber licenses who have not made use thereof during the month for which the report is made.

TRANSFER OF LICENSES.

XV. (a) Licenses of all classes may be transferred by authority of the forest officer granting the same, or by that of the Chief of the Bureau, after the person to whom the license is to be transferred has furnished to the officer empowered to make the transfer the information which would be required were he making an original application for a license of the same class. No other mode of transfer will be authorized.

(b) After June thirtieth, nineteen hundred and five, every holder of a license will be required to perform, himself, or through his duly authorized agents or employees, all operations in the forest under the license which he holds. Failure to comply with this regulation may subject the offender to forfeiture of his license.

FIREWOOD FOR HOUSEHOLD USE.

XVI. Firewood may be taken from public forests and forest reserves without license by residents of the vicinity for their own household use.

PRIVATE WOODLANDS.

XVII. (a) The issuance by the Bureau of Forestry of a license to cut or utilize timber or other forest products from public forests or forest reserves does not authorize the gathering of such products from private lands, or from lands claimed as private lands unless specifically authorized in the license.

(b) Registration of titles in this Bureau as provided in section twenty-four of The Forest Act is not necessary in order to protect private lands from licensees claiming the right to cut on public lands. Any such licensee who cuts timber on private lands belonging to another, even though such lands are not registered in this Bureau, may have his license forfeited.

XVIII. Applications for registration of titles to private woodlands must be made on forms which may be had on application at any station of the Bureau of Forestry, and each such application must be accompanied by a map showing approximately the extent and boundaries of the parcel or parcels of alleged

private lands containing forest products which it is desired to remove. Each such application and map will be filed in the Bureau of Forestry and evidence of title will be returned to the owner after inspection and report on the lands is made by the local forest officer.

XIX. (a) Before removing forest products from registered private woodlands, the owner or administrator of the same must secure a manifest as provided in Regulation XXII, paragraph (k). He will also present to the proper forest or municipal officer, at the time the statement of forest products is presented for inspection, a receipt or certified copy of a receipt from the Bureau of Forestry showing the proper registration of title to such private woodlands. Any person who fails to so present a proper receipt and manifest will be proceeded against under the provisions of sections eight and thirty of The Forest Act.

(b) Forest products from private woodlands which are not to be removed from the premises of the owner but are to be used thereon, may be cut and gathered without charge on such private woodlands without registering title thereto in the Bureau of Forestry.

THE CUTTING, COLLECTING, AND REMOVAL OF FOREST PRODUCTS.

XX. (a) If a holder of a license cuts or collects forest products in a forest area other than that specified in his license, the products so cut or collected will be considered as taken without license.

(b) All timber selected for felling under any license should be taken from the forest. When timber has been so selected, no nonselected timber may be cut in the forest area covered by such license. If nonselected timber is taken from an area in which timber has been selected, it will be considered as taken without license and charged for accordingly.

(c) Holders of licenses must exercise particular care in cutting, working up, collecting, or transporting timber, firewood, or other forest products to avoid killing or injuring young trees less than forty centimeters in diameter or seedlings, especially those of the first and second groups. Such young trees of the first and second groups must not be cut for use in logging. As the future supply of the forest depends upon preserving young trees of valuable species, failure on the part of the holder of a license to exercise reasonable care to avoid the destruction of such young trees or seedlings may be followed by the forfeiture of his license.

(d) The holder of a timber license of any class may, when the permission of the Chief of the Bureau of Forestry is specifically given in his license, work up the tops of any trees cut for timber into firewood and market the same, free of all Government charges, under such special regulations as the Chief of the Bureau of Forestry in his license may prescribe and the Secretary of the Interior approve.

(e) The Chief of the Bureau of Forestry, in granting any timber license, may require as a condition of granting such license, that the holder shall work up and remove the tops and large branches of trees felled by him.

(f) The height of the stump of any tree cut for timber or firewood must not exceed the diameter of the tree on the stump.

(g) The diameter limit of trees allowed to be cut in any given forest area will vary in accordance with the species of the tree, the condition of the forest, and the requirements of each locality. In general, unless there is specific reason for fixing a specific size, no tree less than forty centimeters in diameter on the stump may be cut for timber, and trees cut for firewood should be at least twenty-five centimeters on the stump.

(h) Whoever fells undersized trees, or trees the felling of which is prohibited by these regulations or special orders, will be considered as cutting without a license and will be compelled to pay the regular charges thereon and the additional charge prescribed in section twenty-five of The Forest Act.

(i) The felling in the public forest or forest reserves of trees from which valuable gums, resins, or oils are extracted will not be allowed.

(j) The gathering or forest products not specially mentioned in these regulations will be authorized by license containing such special conditions as the Chief of the Bureau of Forestry may, after investigation, deem advisable, and the Secretary of the Interior approve.

(*k*) Round timber forty centimeters or more in diameter at the larger end, and squared timber twenty-two centimeters or more in width or twenty-two centimeters or more in thickness at the larger end will be considered of legal size. Timber of the first group or less than legal size must not be felled, unless such timber has been selected for felling by duly authorized forest officers, provided that these regulations shall not apply to ebony and lanete.

(*l*) Timber used for levers, skids, parts of timber slides, or otherwise employed in logging, must be of the fourth group, unless proper timber of this sort is wholly wanting within a reasonable distance. Timber so used and left on the ground will be charged for, if of the third group, at the regular rate; if of the second or first groups, at twice the regular rate.

(*m*) The holder of a license for cutting timber or firewood must advise the local forest officer of the time when and the place where the cutting under such license will begin, and of the places where the wood cut will be piled. Felled timber must be piled in a clear place, in such a manner that measurement thereof may be readily made. The holder of a license must also notify the local forest officer of the names and residences of his representatives, if any. In the event of failure to so notify the proper officer, the products so cut, collected, or removed will be considered as taken without license.

(*n*) When the cutting or gathering of forest products under any license has been finished, the holder of the license must in writing notify the nearest forest officer of the place where such products are deposited, the classes and amounts of the same, and their destination. He must also state whether he has left any felled timber or any standing selected timber in the area covered by his license, and if so, he must state the amount and classes of such felled or selected timber left in the forest. Any person who fails or unreasonably delays to give such notice may be punished as provided in section twenty-nine of The Forest Act.

(*o*) Timber cut under a license and not removed from the forest within the period covered by such license will be charged for at the regular rate.

(*p*) Firewood, except when worked up from tree tops, as provided in section twelve of The Forest Act and in Regulation XX (*d*) and (*e*), must be of the third or fourth groups, and if woods of the first or second groups are taken as firewood, the same must be paid for as timber at double the Government rate for timber of these groups.

(*q*) Wood cut for burning into charcoal must be of the third or fourth groups, and the unauthorized use of woods of other groups for this purpose will subject the holder of the license to payment for the same as timber at double the Government rate for timber of such groups.

(*r*) All wood employed in the manufacture of charcoal must be paid for before it is burned. After felling trees and before commencing the process of burning for charcoal, the holder of a license must present to the local forest officer, or, in his absence, to the president of the municipality or settlement within which the wood is being piled, an itemized statement of the timber felled and must state where it is being piled. This statement will be verified and the wood valued by such officer or president; payment will be made and manifest will be issued as prescribed in Regulation XXII, paragraphs (*b*), (*f*), (*h*), and (*s*). After making the payment ordered, the holder of a license may proceed with the burning, but he must exercise care to avoid injury to standing timber, and if any damage results to such timber from his burning operations, said damage will be estimated by the local forest officer and payment therefor will be enforced in accordance with the provisions of the last paragraph of section twenty-five of The Forest Act.

GUMS, RESINS, AND WOOD OILS.

XXI. (*a*) In extracting gums, resins, wood oils, and similar forest products, the holder of a license must make the cuttings or incisions into the trunks of the trees at least twenty-five centimeters above the ground. These incisions should be made with a very sharp instrument and may penetrate the bark and the first layers of sapwood only; they must not exceed twenty-five centimeters in length and must not penetrate the heart wood. When the flow of juice is obstructed at the outer edges of the incisions, the holder of a license will be permitted to recut these edges and to lengthen the cut by twenty-five centi-

meters, prolonging it upward, provided that the width of the incision shall never exceed eight centimeters. The making of incisions, or the trimming of the edges of incisions already made, or any lengthening of the same will not be permitted during the period from the flowering of the tree to the ripening of its seed. A metal or wooden plate may be placed at the lower part of the incision to facilitate the collection of juice. A vessel may be placed under, the incision at the foot of the tree. Any holder of a license violating these provisions may have his license forfeited and must pay double the regular charge for timber on each tree so incised.

(b) Gums, resins, wood oils, and similar forest products may be stored in municipalities, settlements, or other places, at the convenience of the holder of the license, after previous notification to the local forest officer, or in the absence of such officer, to the nearest local municipal authority of the place or places where such products are to be stored.

MANIFESTS.

XXII. (a) Native forest products of all kinds will be presumed to belong to the Government until the contrary is proved.

(b) Before using, transporting, or disposing of any native forest product, the owner or his agent must obtain a manifest, authenticated by the local forest officer, provided that where no forest officer can be reached without undue hardship a duly authorized municipal officer may authenticate the manifest. In such cases if the product is to be transported by sea, the holder of a license will present a statement of the product in duplicate to the proper municipal officer, who will verify such statement and affix his seal or stamp of office, if any, and his signature thereto, forwarding one copy to the nearest forest station and returning to the holder of the license the other copy, which will be his authority to transport the product. If the product is to be transported by land or is for local use, the holder of a license in such cases will present a statement of the product in duplicate to the proper municipal officer, who will forward it to the local forest officer, who if it be impracticable for him to inspect the product, will appraise the same at his station and forward an order of payment to the proper municipal officer for delivery to the holder of the license. After payment has been made, the receipt will be forwarded to the local forest officer, who will issue a paid manifest to the party at interest, which will be his authority to dispose of the product. No charge will be made for making or authenticating a manifest. No manifest will be valid on which does not appear the signature of the forest officer or municipal officer duly authorized to sign manifests, and the signature must be accompanied by the stamp or seal of such officer if he has one.

(c) The holder of a license must not load, remove, sell, or use any forest product which has not been paid for, unless he has received express authority to do so from the Chief of the Bureau of Forestry and has given satisfactory guarantee to that official, except as provided in paragraphs (b), (e), and (h) of this regulation.

(d) When the holder of a license agreement or of an ordinary or miners' license has cut and piled his product, he must submit to the nearest forest station a statement of said product on Bureau of Forestry Form Thirteen and one-half, which will be furnished on application to any forest station. Upon receipt of this statement, the local forest officer will verify and appraise the product, taking the signature of the holder of the license on the manifest, which, when affixed, will be understood to indicate that the holder of the license approves the appraisement.

(e) If the product is to be transported by sea to another point in the Philippines, the holder of a license will have the option of paying the Government charges at the point of origin or at the destination of the product.

(f) In case the product is to be transported by sea to another point in the Philippines, and the holder of a license wishes to pay the Government charges at the point of origin, or in case the product is not to be transported by sea, the forest officer will issue an order directing the payment of the Government charges into the nearest provincial or municipal treasury or internal revenue office authorized to receive such payments.

(g) When the holder of a license presents his receipts of payment, the forest officer will take them up and mark the set of manifests paid, delivering to him the originals, which will be his authority to use, transport, or dispose of his product.

(h) In case the product is to be transported by sea to another point in the Philippines and the holder of the license wishes to pay the Government charges at the point of destination, the local forest officer will issue to him an unpaid manifest with a notation thereon to the effect that the product will be paid for at the point of destination. This manifest must be presented to the forest officer at the point of destination within five days after the arrival of the product; that officer will take up the manifest and issue an order of payment on which payment must be made by the holder of the license in the manner prescribed in paragraph (f) of this regulation, and the receipt of payment will be delivered to the forest officer, who will issue to the holder of the license or his agent an order allowing him to discharge the product. The product will be reappraised at the time of discharge, and the party at interest will be required to pay any excess which may be found upon reappraisal. In case the party at interest is satisfied with the reappraisal, he will sign the reappraisal sheets, the originals of which will be delivered to him.

(i) If, upon reappraisal at destination of the forest products manifested by a municipal officer, an excess of fifteen per centum or more shall be found over the amount manifested, the owner of the license or his agents will be proceeded against as provided in section twenty-nine of The Forest Act.

(j) When the holder of a gratuitous license has cut or gathered forest products, he will, before removing the same, submit a statement of the products to the nearest forest station on a form which will be furnished on application to such station. The local forest officer will take up this statement, verify it, and issue a manifest which will be the authority of the holder of the license to dispose of the products for the purpose specified in the license, provided that in case a forest officer can not be reached without undue hardship, the holder of a license may submit, in duplicate, a statement to the president of the municipality or settlement within which the products have been cut or gathered, which the president will verify, sign, and seal in duplicate, returning one copy to the party at interest and forwarding the other to the nearest forest station.

(k) All owners of private woodlands registered in the Bureau of Forestry in accordance with the provisions of section twenty-four of The Forest Act will, before removing forest products from such lands, proceed as prescribed in the previous paragraph for holders of gratuitous licenses.

(l) Forest products for export will be paid for before shipment, and the manifest must be presented to the collector of customs at the port of shipment. Any person violating this regulation will be proceeded against under the provisions of section thirty of The Forest Act.

(m) If at any time the party at interest should desire to detain a portion of a cargo or load of forest products which has been manifested, or divert a portion to some point other than that of original destination, the local forest officer will, upon application, make an entry of the facts at the foot of the original manifest, returning same to the party at interest, and issuing him in addition a new manifest to accompany the product detained or diverted. In the case of timber a line will be drawn through the entries on the original manifest of the pieces so detained or diverted.

(n) For identification of pieces belonging to different manifests, to aid in the recovery of lost timber, and to avoid fraud, the holder of a license will immediately after felling mark every piece of timber with his special mark which must be previously registered at the forest station. This mark will be indicated in the proper column of the manifest. The pieces of timber embraced in a manifest must also be numbered consecutively, beginning with one, and the corresponding numbers must be entered in the manifest under the proper heading. Where two different lots of timber for the same licensee are shipped on the same vessel, the pieces of the second lot must be marked "1A," "2A," and so forth.

(o) In all manifests of undersized timber, classified in the official tariff as belonging to the first group, except ebony and lanete (and camagon when stripped of its bark and sapwood), there should appear a statement by a ranger

or president of a municipality or settlement as to whether such undersized pieces have been cut from trees of a diameter of forty or more centimeters as provided in Regulation XX, paragraph (k).

(p) Forest officers will, whenever practicable, mark with the official marking hatchet both ends of every log of timber manifested.

(q) Failure to present to the nearest forest officer manifests of forest products within five days of arrival at destination will, for the purpose of these regulations, be considered unreasonable delay in the making of a report; and failure to deliver or mail receipts of payment to a forest station or to a forest officer within seven days from date of payment will be considered an unreasonable delay in the making of a report.

(r) Any person found utilizing forest products in violation of section twenty-five or of section thirty of The Forest Act will be directed by the local forest officer to deposit the same with the nearest president of a municipality or settlement and an order of payment for the same, including the charges and additional charges provided in section twenty-five of The Forest Act, will be issued to him. Upon presentation of a receipt of payment to the local forest officer, the latter will issue a manifest to the party at interest, which will serve as an order on the municipal president for the release of the products and as an authorization for the party at interest to dispose of them.

(s) When a forest officer delivers an order of payment to a holder of a license or his agent, the latter will receipt therefor on the lower part of the original and duplicate. When impracticable to deliver an order of payment to the holder of a license or his agent, the same will be delivered to the proper municipal officer, taking his receipt in the manner above prescribed. The municipal officer will deliver the original to the holder of the license or his agent, causing him to receipt therefor with date of delivery, and advising the local forest officer of the date of delivery to the holder of the license or his agent, or when an order of payment is sent to a municipal officer for delivery to payor he will cause the order to be receipted for, by the licensee or his agent, with date of delivery, and advise the forest station as above.

(t) Each manifest of timber selected for felling by a forester will contain a certification to that effect at the foot of the original, duplicate, and triplicate manifests. Certification will also be made by foresters on manifests of firewood exempted from payment of Government charges under the provisions of paragraph eleven of section twelve of The Forest Act.

(u) Whoever, in violation of the provisions of The Forest Act or of these Regulations, discharges from any ship, boat, raft, car, cart, or any other means of transportation, forest products, or stone, or earth, or fails to pay the amounts due the Government on forest products, or stone, or earth, for a period of more than thirty days from the date of the receipt by him or his agent of the order directing the payment of the same, or transports or removes forest products, or stone, or earth without a manifest, unless he has received express authority to do so from the Chief of the Bureau of Forestry, will, in addition to the regular Government charges thereon, be subject to the payment of the sum of fifty per centum thereof, to be collected on an order of payment, in accordance with section thirty of The Forest Act.

AUCTION SALES.

XXIII. (a) When forest products, stone, or earth are sold at public auction under the provisions of section thirty-two of The Forest Act, within two days after such sale the local forest officer shall forward the duplicate manifest therefor to the Bureau of Forestry at Manila. He will file the triplicate at the forest station and deliver the original to the purchaser. On the original, duplicate, and triplicate manifests the proceedings of the sale will be noted and signed by the local forest officer and attested by the secretary of the municipality or settlement. The local forest officer will make out an order of payment equal to the amount of the bid, and upon presentation of the receipt of payment the manifest of the products sold will be marked paid and turned over to the purchaser, who may then take charge of and remove the products sold. The cost of seizure will include the cost of transporting the products to a secure place.

(b) If after sale there is a balance due the delinquent, the local forest officer will forward a certified copy of the manifest on Bureau of Forestry

Form Thirteen and one-half to the collecting officer. Notation of said balance will also be made on the order of payment. If there is nothing due the delinquent, no manifest will be furnished the collecting officer.

(c) Before incurring any expense in transporting to a secure place forest products, stone, or earth, to be sold at public auction, the forest officer making the seizure will, if practicable, confer with the provincial supervisor or other public officer charged with similar duties and learn if he considers the products of sufficient value to warrant incurring the cost of transportation. When such unsold products are turned over to the supervisor or other public officer charged with similar duties, he will sign a receipt therefor on the bottom of the original, duplicate, and triplicate manifests.

ABANDONED FOREST PRODUCTS.

XXIV. (a) All abandoned drift or stranded timber, firewood, bamboo, or other forest products will be considered the property of the Government unless the owner, if there be one, establishes his right and title thereto. Such products will be disposed of by the local forest officer as provided in Regulation XXIII for the public sale of forest products on which the Government charges have not been paid.

(b) If such products are claimed by more than one person the local forest officer may deliver the same to the person whom he deems entitled thereto, or may refer the claimants to the civil courts and deposit the product for safe keeping with the nearest president of a municipality or settlement pending the decision of such courts as to its disposal. Copies of all notices published and of all evidence of title to abandoned forest products will be kept on file at the local forest station. One copy of each such notice must be forwarded to the Chief of the Bureau of Forestry by the local forest officer, together with a memorandum of the action taken in the case by him.

CAINGINS.

XXV. (a). The clearing by fire of grass and brush land and of land in the public forest containing but little timber of inferior species, for the purpose of making "caingins," will be permitted in the following manner only:

Application will be made in writing to the local forest officer, or in his absence to the nearest president of a municipality or settlement, for permission to make a "caingin." The local forest officer, or if there is no local forest officer, a municipal officer designated by the president, will inspect the site of the proposed "caingin," and if satisfied that it can be cleared with fire without injury to adjoining public forests, will give written permission to make the clearing, stating the allowed limits thereof. He will instruct the person desiring to make such "caingin" relative to the proper measures to be taken to prevent fire from damaging adjoining property. If a "caingin" is authorized by a municipal officer, he must file with the local forest officer a report in duplicate of his proceedings, giving location and extent of the "caingin." The local forest officer must forward a copy of this report to the Chief of the Bureau of Forestry.

(b) In every case of violation of the provisions of section twenty-five of The Forest Act, the local forest officer will, if practicable, furnish the prosecuting officer with a detailed statement of the facts relative to such violation.

(c) Owners of private woodlands adjoining public forests and forest reserves will be permitted to make "caingins" thereon in the following manner: Before clearing the land by fire the owner must serve written notice of his intention upon the president of the municipality or settlement in which the land is situated, and upon the local forest officer, if any. Such notice must state the location and extent of the proposed clearing and the place of residence of the owner, and must be accompanied by some evidence of title to the land which it is proposed to clear. Copies of receipt for taxes upon such land for the preceding year will be accepted as evidence of title. Upon receipt of such notice, the local forest officer, or a municipal officer designated by the municipal president for this purpose, will visit the site of the proposed clearing and inspect the land. If satisfied with the evidence of title submitted and that the making of the "caingin" will not endanger adjoining public property, the forest officer or municipal officer will give written permission to make the pro-

posed clearing. He will fully instruct the owner as to the proper measures to prevent the fire from damaging adjoining property. Copies of reports of proceedings relative to the making of "caingins" on private woodlands will be made and filed as prescribed relative to reports concerning "caingins" on public lands in paragraph (a.) of this regulation.

(d) All fires employed in making "caingins" will, when practicable, be lit in the presence of the local forest officer or duly authorized municipal officer.

(e) The use of fire in felling timber or opening roads in public forests or forest reserves will not be allowed.

(f) Any person violating this regulation will be proceeded against under the provisions of section twenty-seven of The Forest Act.

OFFICERS AND EMPLOYEES OF THE BUREAU OF FORESTRY NOT AUTHORIZED TO COLLECT MONEY.

XXVI. No money will be collected by any agent or employee of the Bureau of Forestry under any pretext whatsoever, nor will any charge, other than Government charges prescribed by law, be made for licenses, permits, papers, or services of any kind.

NOTES

Section 11 of The Forest Act prescribes the division of the native trees into four groups, the various provinces in the Philippine Islands into two classes, and the Government charges, as follows:

Native trees.

First group.	Second group.	Third group.	Fourth group.
Acle. Baticulin. Betis. Camagon. Ebony. Ipil. Lanete. Mancono. Molave. Narra. Tindalo. Yacal.	Alupag. Aranga. Banaba. Bansalaguin. Banuyo. Batitinan. Bolongeta. Calamansanay. Calantas. Dungon. Guijo. Macaasin. Malacadios. Mangachapuy. Palo Maria. Supa. Teak. Tucan-calao.	Agoho. Amugula. Anubing. Aptong. Batino. Bitanhol. Catmon. Calumpit. Cupang. Dalinsi. Dila. Dungon-late. Malacmalac. Malapapaya. Malasantol. Mayapis. Nato. Palosapis. Panao. Sacat. Santol. Tamayuan. Tanguile.	Anahao. Anam. Apuit. Bacao. Balacat. Balinhayas. Batete. Bayoc. Bonga. Bulao. Lauan. Malaanonang. Malabalac. Malabonga. Mangasinoro. Manicnic. Pagatpat. Pagsalaguin.

All nonenumerated timber will be subject to the charges on fourth-group trees.

Provinces.

Class A.		Class B.	
Abra. Bataan. Batangas. Benguet. Bulacan. Capiz. Cavite. Cebu. Ilocos Norte. Ilocos Sur. Iloilo.	La Laguna. Nueva Ecija. Pampanga. Pangasinan. Romblon. Rizal. Sorsogon. Tarlac. Union. Zambales.	Albay. Ambos Camarines. Antique. Bohol. Cagayan. Isabela. Lepanto-Bontoc. Leyte. Masbate. Mindoro. Misamis.	Moro. Negros Occidental. Negros Oriental. Nueva Vizcaya. Paragua. Samar. Surigao. Tayabas.
Charges per cubic meter of timber in provinces in Class A:		Charges per cubic meter of timber in provinces in Class B:	
First-group trees.....		First-group trees.....	
Second-group trees.....		Second-group trees.....	
Third-group trees.....		Third-group trees.....	
Fourth-group trees.....		Fourth-group trees.....	
P5.00		P2.50	
3.00		1.50	
1.50		1.00	
1.00		.50	

Sections 3569 and 3570 of the Revised Statutes of the United States read as follows:

"SEC. 3569. It shall be lawful throughout the United States of America to employ the weights and measures of the metric system; and no contract, or dealing, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

"SEC. 3570. The tables in the schedule hereto annexed shall be recognized in the construction of contracts, and in all legal proceedings, as establishing in terms of the weights and measures now in use in the United States, the equivalents of the weights and measures expressed therein in terms of the metric

system; and the tables may lawfully be used for computing, determining, and expressing in customary weights and measures the weights and measures of the metric system."

A meter is equal to 39.37 English inches.

A cubic meter is equal to 1.308 cubic English yards, or 35.316 cubic English feet.

A liter is equal to 1.0567 liquid quarts.

A kilogram is equal to 2.20462 pounds, avoirdupois.

A quintal is equal to 220.46212 pounds, avoirdupois.

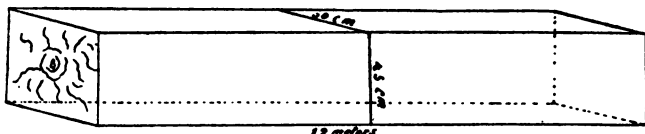
The volume of all timber in accordance with the provisions of section twelve of The Forest Act will be determined as follows:

Round timber.—Multiply the area of the smaller end by the length of the log.



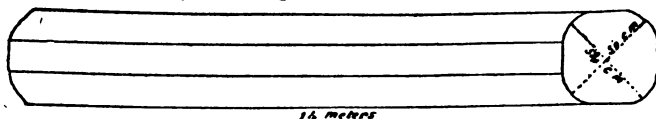
Example: Length, 10 meters; circumference of smaller end, 90 centimeters or .90 meters. $.90 \times .90 \times .08 \times 10 = .648$ cubic meters.

Square timber.—Multiply the average cross section by the length, to which twenty-five per centum shall be added for loss in squaring.



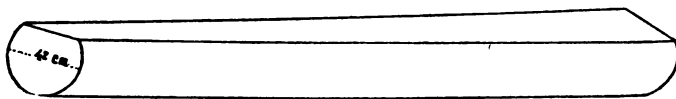
Example: Width of average cross section, 50 centimeters; thickness of average cross section, 45 centimeters; length, 12 meters. $.50 \times .45 \times 12 = 2.7$ cubic meters. 25 per cent of 2.7 = .675. $2.7 + .675 = 3.375$ cubic meters.

The volume of approximately octagonal logs (four sides being hewn and the other four unhewn) will be ascertained by multiplying eight-tenths of the square of the average diameter connecting the two pairs of opposite unhewn sides of the small end by the length.



Example: Average diameter between opposite unhewn sides of smaller end, 51 centimeters; length, 14 meters. $.51 \times .51 \times .8 \times 14 = 2.913$ cubic meters.

Logs having one hewn side, multiply eight-tenths of the square of the diameter by the length.



Example: Diameter, 42 centimeters; length, 11.4 meters. $.42 \times .42 \times .8 \times 11.4 = 1.608$ cubic meters.

The volume of all sawn timber will be determined, as provided in paragraph eight of section twelve of The Forest Act, by multiplying the average cross section by the length, to which fifteen per centum shall be added for loss in sawing.

In the measurement of a log having an eyehole or a ropehole in one end, the length shall be the distance from such hole to the more distant end of the log; provided, that if such hole be more than thirty centimeters from the nearer end of the log thirty centimeters only shall be deducted from the full

length of the log in estimating the length for the purpose of determining its cubic contents.

No charge will be imposed for making out applications for licenses, nor for the certification or signature of the president of a town or settlement, or other person who forwards applications for licenses.

Native tree species.

Scientific name.	Common name.	Group.
<i>Azella bijuga</i>	Ipl	First.
<i>Azella rhomboidea</i>	Tindalo	First.
<i>Aistonia macrophylla</i>	Batino	Third.
<i>Aistonia scholaris</i>	Dita	Third.
<i>Anisoptera thurifera</i>	Lauan	Fourth.
<i>Anisoptera vidaliana</i>	Mayapis	Third.
<i>Artocarpus cumingiana</i>	Anubing	Third.
<i>Bauhinia</i> sp.....	Bonga	Fourth.
<i>Buchananian florida</i>	Anam or Balinhasay	Fourth.
<i>Calophyllum inophyllum</i>	Palo Maria	Second.
<i>Canarium</i> sp.....	Bulao	Fourth.
<i>Canarium</i> sp.....	Pagsainguin	Fourth.
<i>Casuarina equisetifolia</i>	Agoho	Third.
<i>Cedrela toona</i>	Calantas	Second.
<i>Cynometra</i> sp.....	Batete	Fourth.
<i>Dillenia philippinensis</i>	Catmon	Third.
<i>Diospyros discolor</i>	Camagon	First.
<i>Diospyros pilosanthera</i>	Bolongeta	Second.
<i>Dipterocarpus grandiflorus</i>	Aplong	Third.
<i>Dipterocarpus polyspermus</i>	Tanguile	Third.
<i>Dipterocarpus vernicifluus</i>	Panao	Third.
<i>Dipterocarpus</i> sp.....	Banuyo	Second.
<i>Euphorbia cinerea</i>	Alupag	Second.
<i>Gymnosporia ambigua</i>	Pagayuan	Third.
<i>Heritiera littoralis</i>	Dungon-late	Third.
<i>Homalium luzonense</i>	Aranga	Second.
<i>Hopea plagata</i>	Yacal	First.
<i>Illipe betis</i>	Betis	First.
<i>Iteadaphne</i> sp.....	Malabonga	Fourth.
<i>Jambosa</i> sp.....	Macaasin	Second.
<i>Koordersiodendron pinnatum</i>	Amuguis	Third.
<i>Lagerstroemia batifinan</i>	Batifinan	Second.
<i>Lagerstroemia speciosa</i>	Banaba	Second.
<i>Litsea perrottetii</i>	Baticulin	First.
<i>Livistonia merrillii</i>	Anahao	Fourth.
<i>Maba buxifolia</i>	Ebony	First.
<i>Mimusops elengi</i>	Bansalagin	Second.
<i>Myristica</i> sp. ?.....	Malacadios	Second.
<i>Palaquium tenuipetiolatum</i>	Manicnic	Fourth.
<i>Palaquium</i> sp.....	Malacmalac	Third.
<i>Parkia roxburghii</i>	Cupang	Third.
<i>Pithecolobium acle</i>	Acle	First.
<i>Polyscias</i> sp.....	Malapapaya	Third.
<i>Pterocarpus indicus</i>	Narra	First.
<i>Pterospermum diversifolium</i>	Bayoc	Fourth.
<i>Rhizophora mucronata</i>	Bacao	Fourth.
<i>Sandoricum indicum</i>	Santol	Third.
<i>Sandoricum vidalii</i>	Malasantol	Third.
<i>Scolopia</i> ?.....	Bitanhol	Third.
<i>Shorea gulso</i>	Guijo	Second.
<i>Shorea malaanonan</i>	Malaaanonang	Fourth.
<i>Shorea</i> sp.....	Mangasinoro	Fourth.
<i>Shorea</i> sp.....	Palosapis	Third.
<i>Sindora wallichiana</i>	Supa	Second.
<i>Sonneratia pagatpat</i>	Pagatpat	Fourth.
<i>Sterculia</i> sp.....	Nato	Third.
<i>Sterculia</i> sp.....	Tucan-calao	Second.
<i>Tarrietia sylvatica</i>	Dungon	Second.
<i>Tectona grandis</i>	Teak	Second.
<i>Terminalia calamansanai</i>	Calamansanay	Second.
<i>Terminalia catappa</i>	Dalinsi	Third.
<i>Terminalia edulia</i>	Calumpit	Third.
<i>Terminalia nitens</i>	Sacat	Third.
<i>Vatica mangachapoi</i>	Mangachapuy	Second.
<i>Vitex littoralis</i>	Molave	First.
<i>Wrightia ovata</i>	Lanete	First.
<i>Xanthostemon verdugonianus</i>	Mancono	First.
<i>Zizyphus zonulatus</i>	Balacat	Fourth.
(?)	Apulit	Fourth.
(?)	Malabalac	Fourth.

List of important Philippine woods arranged in the order of quantity received in the market for the fiscal years 1900-1901, 1901-2, 1902-3.

No.	Tree species.	Relative order, fiscal year—			Total amount cut, three years.
		1900-01.	1901-02.	1902-03.	
					<i>Cubic feet.</i>
1	Lauan	1	1	1	1,461,788
2	Apltong	4	2	2	963,469
3	Guijo	2	4	3	609,715
4	Molave	10	3	4	555,276
5	Yacal	15	7	5	307,793
6	Narra	13	5	6	280,773
7	Tanguile	20	6	7	256,156
8	Sacat	12	11	9	177,837
9	Ipill	26	12	8	176,530
10	Ibungon	5	9	11	175,223
11	Malasantol	3	14	12	168,436
12	Supa	7	8	15	167,736
13	Balacat	8	13	14	154,697
14	Macaasin	6	25	10	133,521
15	Calantas	11	15	16	117,731
16	Tindalo	22	19	13	106,763
17	Balinhasay	21	23	21	92,861
18	Malanonang	35	16	18	91,632
19	Amuguis	17	32	17	88,981
20	Malabonga	19	18	26	86,635
21	Mangachapuy	24	20	24	84,929
22	Acle	34	24	20	82,082
23	Bacao	30	10	37	80,903
24	Calumpit	23	34	19	78,821
25	Betis	33	21	22	76,766
26	Palosapis	25	17	28	75,169
27	Bansalaguin	14	35	25	74,342
28	Dallinsl	18	27	29	70,478
29	Nato	27	22	31	67,459
30	Malabulac	16	26	35	66,907
31	Panao	9	36	32	64,726
32	Palo Maria	36	29	23	62,862
33	Cupang	28	30	30	56,587
34	Banaba	37	33	27	50,425
35	Batitinan	32	28	34	47,804
36	Aranga	31	31	36	43,193
37	Banuyo	29	37	33	39,413

[No. 624.] AN ACT PRESCRIBING REGULATIONS GOVERNING THE LOCATION AND MANNER OF RECORDING MINING CLAIMS, AND THE AMOUNT OF WORK NECESSARY TO HOLD POSSESSION OF A MINING CLAIM, UNDER THE PROVISIONS OF THE ACT OF CONGRESS APPROVED JULY FIRST, NINETEEN HUNDRED AND TWO, ENTITLED "AN ACT TEMPORARILY TO PROVIDE FOR THE ADMINISTRATION OF THE AFFAIRS OF CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES."

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. The term *mineral claim* as used in these regulations shall be understood to mean *lode claim*, and the term *mining claim* shall be understood to include both *lode* and *placer* claims. A *placer claim* shall be understood to mean a claim of land more valuable for *placer mining*, stone quarrying, or for the securing of earth for use in tile, brick, pottery, paint, or other manufacture, or of petroleum, guano, or other mineral product, than for other purposes. The rules and regulations for the securing of claims so defined as *placer claims* shall be as for *placer claims* as mentioned in this Act.

SEC. 2. Until other officers may be designated by the Government of the Philippine Islands as mining recorders, the provincial secre-

taries shall act as such in their respective provinces. In provinces or districts where civil government has not been established such military officers as may be designated for that purpose by the Commanding General, Division of the Philippines, shall act as mining recorders.

SEC. 3. All declarations and affidavits regarding mining claims shall be recorded in the order in which they are filed for record, and under no circumstances shall any departure be made from that course.

The form of declaration of location of a mining* claim shall be as follows:

DECLARATION OF LOCATION.

The undersigned hereby declares and gives notice that, having complied with the provisions of the Act of Congress, approved July 1, 1902, relative to the location of mining claims, he has locatedlinear feet on a lode of mineral-bearing rock, situate in the barrio of....., within the jurisdictional limits of the municipality of..... province of district of island of....., P. I.

That the name of the above location is the..... mineral claim, and that the same was located by him on the..... day of....., A. D. 190..

That there is written on post No. 1 (here insert an exact copy of what is inscribed on post No. 1); and upon post No. 2 (here insert an exact copy of what is inscribed on post No. 2).

That the said claim is situate (here state as accurately as possible, preferably by course and distance, the position of the claim with reference to some natural object or permanent monument).

Witness:
Locator.

Witness:

SEC. 4. The mining recorder shall note on each instrument filed for record the year, month, and day, and the hour and minute of the day on which the same was so filed, and after it has been recorded he shall indorse on the back thereof a certificate in the following form:

OFFICE OF THE MINING RECORDER.

Province of
District of
....., 190..

The within instrument was filed for record in this office at..... o'clock and minutes m., on the day of A. D. 190..; and has been recorded in book..... of Records of Mining Claims, at page.....

.....
Mining Recorder.

*The word "mining" is changed to "mineral" by Act No. 777.

SEC. 5. For recording each declaration of location of a mining claim, and for each affidavit accompanying the same, the mining recorder shall collect a fee of one dollar in currency of the United States or its equivalent in local currency at the authorized ratio.*

SEC. 6. The fees collected by authority of the preceding section shall be turned into the treasury of the province in which the mining claim for the recording of which said fees may be paid is situate; or in provinces or districts where civil government has not been established, into the office of the Collector of Internal Revenue.

SEC. 7. The books necessary for the recording of mining claims shall be provided by the provincial authorities of the respective provinces, or in provinces or districts where civil government has not been established, by the Chief of the Bureau of Public Lands.

SEC. 8. In addition to the requirements of sections twenty-three and twenty-four of the Act of Congress, approved July first, nineteen hundred and two, in regard to placing posts numbers one and two on the line of location, and marking the line between them, each locator of a mineral claim shall establish each of the four corners of the claim by marking a standing tree or rock in place, or by setting in the ground, where practicable, a post or stone. Each corner shall be distinctly marked to indicate that it is the northeast, southeast, southwest, or other corner, as the case may be, of the claim in question; and the posts or stones used to mark such corners shall be of the dimensions required by these regulations for posts and stones marking corners or angles of a placer claim.

SEC. 9. The locator of a placer claim shall post upon the same a notice containing the name of the claim, designating it as a placer claim, the name of each locator, the date of the location, and the number of hectares claimed. He shall also define the boundaries of the claim by marking a standing tree or rock in place, or by setting a post or stone at each corner or angle of the claim. When a post is used it must be at least five inches in diameter or four inches on each side by four feet six inches in length, and, where practicable, set one foot in the ground and surrounded by a mound of earth or stone four feet in diameter by two feet in height. When a stone, not a rock in place, is used, it must be not less than six inches on each side by two and one-half feet in length, and must be set so as to project half its length above the ground. Where a stone, a rock in place, is used, a cross must be cut in the stone, the arms of which cross must be at least four inches long, intersecting, approximately, at right angles and in their centers, the cutting to be at least one-

This section is amended by Act No. 855 to read as follows:

"SEC. 5. There shall be paid to the provincial treasurer, or in the Moro Province to the district treasurer of the proper district, a fee of two Philippine pesos for each declaration of location of a mining claim and for each affidavit accompanying such declaration filed for record, and on the presentation of the receipt of the provincial or district treasurer the said declaration and affidavit shall be recorded by the mining recorder, providing all requirements of the law before recording shall have been complied with. These fees shall be accounted for as other collections of the officers receiving them and deposited for the credit of the proper province or district, in accordance with section six of Act Numbered Six Hundred and Twenty-four."

half inch deep. The intersection of the arms shall constitute the corner. Each tree, rock in place, stake, or stone used to designate a corner or angle of a placer claim must be so marked as to clearly indicate its purpose, and the objects selected to designate the corners of a claim shall be marked with a series of consecutive numbers, thus: "Cor. No. 1," "Cor. No. 2," "Cor. No. 3," and so forth: *Provided*, That nothing in this section shall be understood to require the establishment and marking of any corner or angle of a placer claim located upon surveyed public lands at a point where a corner of the Philippine system of public land surveys has previously been established, in which case it shall suffice in describing said claim for record to correctly describe said corner of the public surveys, and to state that such corner stands for corner number one, corner number two, or corner number three, and so forth, as the case may be, of such placer claim.

SEC. 10. Within thirty days after the location thereof every locator of a placer claim shall record the same with the mining recorder of the province or district in which the claim is situate.

SEC. 11. The record of a placer claim shall consist of a declaration of location reciting all the facts necessary to a perfect identification of the claim, and shall contain a true copy of the notice posted thereon at the date of location, as well as a description of the claim as staked and monumented, showing the length and approximate compass bearing, as near as may be, of each side or course thereof, and stating in what manner the respective corners are marked, whether by a standing tree, rock in place, post, or stone, and giving in detail the distinguishing marks that are written or cut on each, and also stating as accurately as possible, preferably by course and distance, the position of the claim with reference to some prominent natural object or permanent monument.

SEC. 12. No placer claim shall be recorded unless the declaration of location be accompanied by an affidavit made by the applicant or some person on his behalf cognizant of the facts, that the notice required by section nine of these regulations has been posted upon the claim, and that the ground thereby embraced is valuable for placer mining purposes; that the ground applied for is unoccupied by any other person.

SEC. 13. No mining claim shall be recorded unless the declaration be accompanied by proof that the locator, or each of them in case there be more than one, is a citizen of the United States of America or of the Philippine Islands. The proof of citizenship required by this section may be that set forth in section thirty-five of the Act of Congress approved July first, nineteen hundred and two.

SEC. 14. If at any time the locator of any mining claim heretofore or hereafter located, or his assigns, shall apprehend that his original notice or declaration was defective, erroneous, or that the requirements of the law had not been complied with before recording; or shall be desirous of changing his boundaries so as to include ground not embraced by the location as originally made and recorded, or in case the original declaration of location was made prior to the promulgation of these regulations, and the locator or his assigns shall

desire to conform the location and declaration hereto, such locator or his assigns may file an amended declaration of location in accordance with the provisions of the Act of Congress of July first, nineteen hundred and two, and these regulations, with the mining recorder of the province or district in which such claim is situate: *Provided*, That such amended declaration of location does not interfere at the date of its filing for record with the existing rights of any person or persons, and no such amended location or the record thereof shall preclude the locator or his assigns from proving any such title as he or they may have held under the original location.

SEC. 15. Within sixty days after the expiration of the period fixed by law for the annual performance of the labor or the making of improvements upon a mining claim, the locator thereof, or some person on his behalf cognizant of the facts, shall make and file for record with the mining recorder of the province or district in which the claim is situate an affidavit in substance as follows:

AFFIDAVIT OF ANNUAL ASSESSMENT WORK.

PHILIPPINE ISLANDS,

Province of

District of

....., being first duly sworn, deposes and says that he is a citizen of the United States of America (or of the Philippine Islands, as the case may be) and more than twenty-one years of age; that he resides in,

district of

P. I., and is personally acquainted with the mining claim known as the (lode or placer) claim, situate in the barrio of, province of, island of

P. I., the declaration of location of which is recorded in the office of the mining recorder of said province (or district), in book of Records of Mining Claims, at page; that between the day of, 190.., and the day of

190.., not less than dollars' worth of labor was performed or improvements made upon said claim, not including the work done prior to the date of recording the same. Such work was done or improvements made by and at the expense of

....., the owner of said claim, for the purpose of complying with the laws of the United States relating to annual assessment work, and (here name the miners or other persons who did the work) were the persons employed by said owner who did such work or made such improvements, and that said work or improvements consisted of and are described as follows, to wit: (here describe the work done.)

(Signature)

Subscribed and sworn to before me this day of
....., 190..

.....
(Signature of officer who administers oath.)

Such affidavit, when recorded, shall be prima facie evidence of the performance of such labor or the making of such improvements, and shall be received in evidence by all courts in the Philippine Islands, as shall also the record thereof or a certified copy of the same.

SEC. 16. Actual expenditures and cost of mining improvements by the claimant or his grantors, having a direct relation to the development of the claim, shall be included in the estimate of assessment work. The expenditures may be made from the surface, or in running a tunnel, drifts, or crosscuts for the development of the claim. Improvements of any other character, such as buildings, machinery, or roadways, must be excluded from the estimate unless it is clearly shown that they are associated with actual excavations, such as cuts, tunnels, shafts, and so forth, are essential to the practical development of and actually facilitate the extraction of mineral from the claim.

SEC. 17. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 18. This Act shall take effect on its passage.

Enacted, February 7, 1903.

[No. 1134.] AN ACT AMENDING ACT NUMBERED SIX HUNDRED AND TWENTY-FOUR, ENTITLED "AN ACT PRESCRIBING REGULATIONS GOVERNING THE LOCATION AND MANNER OF RECORDING MINING CLAIMS, AND THE AMOUNT OF WORK NECESSARY TO HOLD POSSESSION OF A MINING CLAIM UNDER THE PROVISIONS OF THE ACT OF CONGRESS APPROVED JULY FIRST, NINETEEN HUNDRED AND TWO, ENTITLED 'AN ACT TEMPORARILY TO PROVIDE FOR THE ADMINISTRATION OF THE AFFAIRS OF CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES.'"

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. Section three of Act Numberer Six hundred and twenty-four, entitled "An Act prescribing regulations governing the location and manner of recording mining claims, and the amount of work necessary to hold possession of a mining claim, under the provisions of the Act of Congress approved July first, nineteen hundred and two, entitled 'An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' " is hereby amended by inserting, in the first sentence of said section after the words "all declarations and affidavits regarding mining claims," the following words: "and all other documents and instruments in writing, of whatever character or nature, alienating, mortgaging, leasing, or otherwise affecting the possession of mining claims or any right or title thereto or interest therein;" and by inserting, in the same sentence, after the words "shall be recorded in the order in which they are filed for record," the following: "and from and after such filing for record all declarations and affidavits regarding mining claims, and all documents and instru-

ments in writing, of whatever kind or nature, alienating, mortgaging, leasing, or otherwise affecting the possession of mining claims or any right or title thereto or interest therein shall constitute notice to all persons and to the whole world of the contents of said declarations, affidavits, documents, and written instruments and of the legal effect thereof."

SEC. 2. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 3. This Act shall take effect on its passage.

Enacted, April 28, 1904.

[No. 1128.] AN ACT PRESCRIBING REGULATIONS GOVERNING THE PROCEDURE FOR ACQUIRING TITLE TO PUBLIC COAL LANDS IN THE PHILIPPINE ISLANDS, UNDER THE PROVISIONS OF SECTIONS FIFTY-THREE, FIFTY-FOUR, FIFTY-FIVE, FIFTY-SIX, AND FIFTY-SEVEN OF THE ACT OF CONGRESS APPROVED JULY FIRST, NINETEEN HUNDRED AND TWO, ENTITLED "AN ACT TEMPORARILY TO PROVIDE FOR THE ADMINISTRATION OF THE AFFAIRS OF CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES."

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. Any person above the age of twenty-one years, who is a citizen of the United States or of the Philippine Islands, or who has acquired the rights of a native of said Islands under and by virtue of the Treaty of Paris, or any association of persons severally qualified as above, may purchase any unreserved, unappropriated public land which is chiefly valuable for coal by proceeding as hereinafter directed: *Provided*, That no individual person shall be entitled to purchase more than sixty-four hectares and no association more than one hundred and twenty-eight hectares: *And provided, further*, That this Act shall be held to authorize but one entry by the same person or association of persons, and no association of persons, any member of which shall have taken the benefit of this Act, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions hereof, and no member of any association which shall have taken the benefit of this Act shall enter or hold any other lands under the provisions hereof: *And provided, further*, That such lands, if previously surveyed by the Government, shall be taken by legal subdivisions, but if unsurveyed shall be taken, wherever possible, in the form of squares which shall contain at least sixteen hectares each.

SEC. 2. A coal claim may be initiated either by filing a declaration of location with the mining recorder of the province in which the land is located, or by actually taking possession of the land and making improvements thereon: *Provided, however*, That when claims are initiated by occupation, a proper declaration of location must be filed with the mining recorder within sixty days after the date of actual possession and commencement of improvements.

SEC. 3. The declaration of location above mentioned must be executed under oath, and must describe the land occupied in as definite a manner as practicable, and must contain all necessary allegations to show that applicant has the qualifications required under section one of this Act, and that the land is of the character therein mentioned. In case a right to purchase is based on prior occupation and improvement, that fact must be set out, and the date of occupation and amount of improvements stated.

SEC. 4. It shall be the duty of the mining recorder to record declarations of locations of coal claims in the same manner that declarations of locations of mining claims are recorded; and for such services he shall require the payment of a fee of two pesos, Philippine currency, which shall be paid to the provincial or district treasurer as provided in section five of Act Numbered Six hundred and twenty-four as amended by Act Numbered Eight hundred and fifty-nine.

SEC. 5. All declarations of locations shall be recorded in the order in which they are filed for record, and the mining recorder shall note on each instrument filed for record the year, month, and day, and the hour and minute of the day on which the same was filed. After recording the declaration, the mining recorder shall make a true copy of the same and without delay forward it to the Chief of the Bureau of Public Lands.

SEC. 6. All persons seeking to acquire public lands under the provisions of this Act must prove their respective rights and pay for the land filed upon within one year from the time prescribed for filing their claims, and they shall not take from the land and sell any coal prior to obtaining a patent.

SEC. 7. A patent for land claimed and located for valuable coal deposits may be obtained in the following manner: Any person or association authorized to locate a coal claim under this Act having claimed and located a piece of land for such purposes, who or which has complied with the terms of this Act, shall file with the Chief of the Bureau of Public Lands an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim made by or under the direction of the Chief of the Bureau of Public Lands, and at applicant's expense, showing accurately the boundaries of the claim, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land described in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such plat and notice have been duly posted. Upon the filing of said application, plat, field notes, notices, and affidavits, it shall be the duty of the Chief of the Bureau of Public Lands to publish once a week a notice that such application has been made, for the period of nine consecutive weeks, in a newspaper to be by him designated; also to post a copy of the application in his office, and to require such further publication as he, with the approval of the Secretary of the Interior, may deem advisable. At the expiration of the period of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place

on the claim during such period of publication. If no adverse claim shall have been filed in the Bureau of Public Lands during the said period of publication, it shall be assumed that the applicant is entitled to a patent, upon payment to the Chief of the Bureau of Public Lands of fifty pesos per hectare where the land shall be situated more than fifteen miles from any completed railroad, available harbor, or navigable stream, and one hundred pesos per hectare for such lands as shall be within fifteen miles of such road, harbor, or stream, and that no adverse claim exists: *Provided*, That where the claimant for a patent is not a resident of or within the province wherein the land sought to be purchased is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits.

SEC. 8. Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment, and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the Chief of the Bureau of Public Lands, who, in case the conditions of section seven of this Act have been complied with, shall issue to the claimant a patent for such land as by the decision of the courts he appears to be entitled to.

SEC. 9. All patents for lands disposed of under this Act shall be prepared in the Bureau of Public Lands and shall issue in the name of the United States and the Philippine Government under the signature of the Civil Governor; but such patents shall be effective only for the purposes defined in section one hundred and twenty-two of the Land Registration Act, and the actual conveyance of the land shall be effected only as provided in said section.

SEC. 10. The Chief of the Bureau of Public Lands, under the supervision of the Secretary of the Interior, shall prepare and issue such forms and instructions consistent with this Act as may be necessary and proper to carry its provisions into effect, and for the conduct of all proceedings arising hereunder.

SEC. 11. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the

Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 12. This Act shall take effect on its passage.

Enacted, April 28, 1904.

INSTRUCTIONS AND FORMS.

Under the authority conferred by section 10, *supra*, the following instructions and forms are issued:

1. *Land which may be purchased.*—Any unclaimed public land containing valuable deposits of coal is subject to sale under the provisions of this Act. Prospective purchasers will be required to show by affidavit that the land sought to be purchased contains such valuable deposits.

2. *Who may purchase.*—The following-described persons are entitled under the law to purchase public coal land:

(a) Citizens of the United States over the age of twenty-one years.

(b) Natives of the Philippine Islands or persons who have acquired the rights of natives by virtue of the treaty of Paris of December tenth, eighteen hundred and ninety-eight, and who are over the age of twenty-one years.

(c) Associations of persons the members of which are severally qualified as above.

3. *Amount that may be purchased.*—An individual may purchase any amount not exceeding sixty-four hectares. An association is limited to one hundred and twenty-eight hectares. A purchaser is entitled to make but *one* purchase of the maximum amount allowed.

4. *Form in which land must be taken.*—Where the land sought to be purchased has been previously surveyed under a regular governmental system of surveys dividing the territory into subdivisions, purchase must be made by such subdivisions. But where the land is unsurveyed, it must be taken when possible in squares which shall contain not less than sixteen hectares, but may contain any quantity in excess of sixteen hectares to the amount the purchaser is entitled to purchase.

5. *Manner of locating a coal claim.*—Any person qualified to purchase public coal land may initiate a claim to any particular tract by taking possession of same and within sixty days thereafter filing a declaration of location thereof with the secretary of the province in which the land is located. This declaration of location must be executed under oath and must give as definite a description of the land as it is possible to state without making a survey. (*Form No. 1 should be used.*)

In locating a claim locators should exercise great care in marking the corners of same, and should describe the corners with reference to some prominent natural object or landmark—as a tree or rock on the claim—that is, give the approximate direction and distance of each corner from said landmark. Declarations of location of coal claims are recorded in the same manner as like notices for other mining claims, and the same fees are charged. (See Act No. 624.)

The mining recorder will as soon as possible after recording a declaration of location of a coal claim forward a copy of same to the Chief of the Bureau of Public Lands.

6. *Manner of acquiring title.*—An application to purchase coal land must be filed with the Chief of the Bureau of Public Lands within one year from the date of filing a declaration of location therefor with the mining recorder.

The first step in the procedure for acquiring title is the filing with the Chief of the Bureau of Public Lands of an application for survey of the land. (*Form No. 2 should be used in making this application.*) The survey is made under the directions of the Chief of the Bureau of Public Lands, at applicant's expense. The Government will take no action on an application for survey until the estimated cost of making same is deposited with the Chief of the Bureau of Public Lands.

After a claim has been properly surveyed and claimant has received a plat thereof and the field notes of survey, he should file his application for a patent (*using form No. 3*), together with a copy of the plat and field notes of survey, with the Chief of the Bureau of Public Lands. On the same date as that of his application for a patent claimant should post in a conspicuous place on the

claim a notice of his application for a patent (*using form No. 4*), together with a copy of the plat of the claim, and should forward to the Chief of the Bureau of Public Lands an affidavit executed by two disinterested persons showing that said notice and plat have been posted. (*Form No. 5 should be used in executing this affidavit.*)

At the expiration of nine weeks from the date of posting said notice and plat, the applicant will file another affidavit with the Chief of the Bureau of Public Lands showing that said notice and plat have been posted on the claim for a period of nine weeks. (*Form No. 6 should be used in executing this affidavit.*)

Where the claimant for a patent is not a resident of or within the province wherein the land sought to be purchased is located, the application for patent and the affidavits required to be made by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits.

The Chief of the Bureau of Public Lands will cause a notice to be published in the newspapers in which official notices are published, calling attention to each application for a patent, and will cause a like notice to be posted in the office of the Secretary of the province in which the land is located. Said notices will be published for a period of nine weeks.

7. *Value of coal lands.*—The price per hectare is fifty pesos, Philippine currency, where the land is situated *more* than fifteen miles from any completed railroad, available harbor, or navigable stream, and one hundred pesos, Philippine currency, per hectare where the land is within fifteen miles of such railroad, harbor, or stream. Purchasers will be required to deposit the purchase price with the Chief of the Bureau of Public Lands at the time of filing the application to purchase.

8. *Adverse claims.*—Any person claiming an interest in land adverse to the interest sought to be acquired by an applicant for a patent thereto, must file a notice of such claim with the Chief of the Bureau of Public Lands prior to the expiration of the period of publication of the notice of application for patent above mentioned. And such person must, furthermore, within thirty days after filing said notice with the Chief of the Bureau of Public Lands, commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do will constitute a waiver of said adverse claim. (See sec. 8, Act No. 1128.)

9. *Prospecting.*—The land may be thoroughly prospected and coal necessary for tests may be removed for that purpose, but none may be sold or used commercially prior to issuance of patent.

10. *Timber.*—A gratuitous license to cut and use timber for mining purposes may be had on application to the Bureau of Forestry. Said license will be limited to the claim on which the timber is cut. (See sec. 17, Act No. 1148.)

Manilla, P. I., June 10, 1904.

P. S. BLACK,
Acting Chief Bureau of Public Lands.

Approved August 22, 1904:

DEAN C. WORCESTER, *Secretary of the Interior.*

FORMS FOR USE IN PROCEEDINGS TO ACQUIRE TITLE TO PUBLIC COAL LANDS.

FORM No. 1.

DECLARATION OF LOCATION OF COAL CLAIM.

The undersigned hereby declares and gives notice that under the provisions of Act No. 1128, Philippine Commission, has located a coal claim in the barrio of municipality of Province of the boundaries of which are more particularly described as follows, to wit: (Here give as definite a description as possible of the boundaries of the claim, having reference to monuments erected on the ground.) and further declares that is over the age of twenty-one years and is a citizen of the United States (or of the Philippine Islands) and has

never held nor purchased any land under the provisions of said Act, either as an individual or as a member of an association; that said land is unoccupied by any other person, and contains valuable deposits of coal, and that took possession of the same on the day of, A. D. 19...., and has made improvements consisting of.....

(Signed)

Locator.

(Post-office)

Subscribed and sworn to before me this day of, 19....

(Signature of official)

(Official title.)

NOTICE.—Where a claim is located by an association, it will be necessary for the locator to show that the several members of the association are each qualified to make a location.

FORM No. 2.

APPLICATION FOR SURVEY OF COAL CLAIM.

....., 19..

TO THE CHIEF OF THE BUREAU OF PUBLIC LANDS,

Manila, P. I.

SIR: In compliance with section 7, Act No. 1128, Philippine Commission, I hereby make application for an official survey of a coal claim located by in the barrio of, municipality of Province of, and request that you will send me an estimate of the amount to be deposited in payment therefor, and after such deposit shall have been made, you will cause the said claim to be surveyed.

Respectfully,

FORM No. 3.

APPLICATION FOR PATENT FOR COAL LAND.

TO THE CHIEF OF THE BUREAU OF PUBLIC LANDS,

Manila, P. I.

SIR: I,, hereby apply, under the provisions of Act No. 1128, Philippine Commission, an Act relating to the sale of public coal lands in the Philippine Islands, to purchase hectares of coal land located in the barrio of municipality of Province of, and more particularly described as follows, to wit:

(Here give full description.)

..... which description is set forth in the official field notes of survey of said tract hereto attached, dated, and the official plat of survey, a copy of which is filed herewith; there is hereby tendered pesos in payment for said land; and I solemnly swear that I am over the age of twenty-one years, a citizen of the United States (or of the Philippine Islands), and have never held nor purchased lands under said Act either as an individual or as a member of an association; and I do further swear that I am well acquainted with the character of said-described land, having frequently passed over same; that my knowledge of said land is such as to enable me to testify understandingly with regard thereto; that no portion of said land is in the possession or occupation of any other person, and that it contains valuable deposits of coal and is chiefly valuable therefor; that I located said land as a coal claim on the day of, and filed my notice of

location with the mining recorder of the Province of on the day of

(Signed)

(Address)

(Date)

Subscribed and sworn to before me this day of, A. D. 19....

(Signature of official)

(Official title.)

N. B.—Where the applicant for a patent is an association, evidence must be submitted showing that the members of the same are severally qualified to purchase.

FORM No. 4.

NOTICE OF APPLICATION FOR PATENT FOR COAL LAND.

Notice is hereby given that in pursuance of the provisions of Act No. 1128, Philippine Commission, has located a coal claim in the barrio of, municipality of, Province of, and has made application for a patent for said claim, which is more fully described as to metes and bounds by the official plat herewith posted and by the field notes of survey thereof, now filed in the Bureau of Public Lands, which field notes of survey describe the boundaries and extent of said claim on the surface as follows, to wit: (Here give full description.)

Any and all persons claiming adversely the said described land, or any portion thereof, are hereby notified that unless their adverse claims are duly filed according to law within nine weeks from the date hereof with the Chief of the Bureau of Public Lands at Manila, P. I., said claims will not be considered by the Government.

(Name of claimant)

(Post-office)

Dated on the ground this day of, A. D. 19....

FORM No. 5.

PROOF OF POSTING NOTICE AND PLAT ON COAL CLAIM.

PROVINCE OF, MUNICIPALITY OF and, each for himself, and not one for the other, being first duly sworn according to law, deposes and says, that he is over the age of twenty-one years, and was present on the day of, A. D. 19...., when a plat representing the coal claim, and certified to as correct by the Chief of the Bureau of Public Lands, and designated by him as Coal Claim No., together with a notice of the intention of to apply for a patent for said claim and premises so platted, was posted in a conspicuous place upon said claim, to wit: Upon a, where the same could be easily seen and examined; the notice so conspicuously posted upon said claim being in words and figures as follows, to wit:

NOTICE OF APPLICATION FOR PATENT FOR COAL LAND.

Notice is hereby given that in pursuance of the provisions of Act No. 1128, Philippine Commission, has located a coal claim in the barrio of, municipality of, Province of, and has made application for a patent for said claim, which is more fully described as to metes and bounds by the official plat herewith posted and by the field notes of survey thereof now filed in the Bureau of Public Lands, which field notes of survey describe the boundaries and extent of said claim on the surface as follows, to wit: (Here give full description.)

Any and all persons claiming adversely the said described land or any portion thereof so described, are hereby notified that unless their adverse claims

are duly filed according to law within nine weeks from the date hereof with the Chief of the Bureau of Public Lands at Manila, P. I., said claim will not be considered by the Government.

(Name of Claimant)
(Post-office)

Dated on the ground this day of, A. D., 19....

Witness:

.....
(Name.)

.....
(Address.)

.....
(Name.)

.....
(Address.)

Subscribed and sworn to before me, this day of, A. D., 19....

(Signature of official)
(Official title.)

FORM No. 6.

PROOF THAT PLAT AND NOTICE REMAINED POSTED ON CLAIM DURING PERIOD OF PUBLICATION.

....., a resident of the town of, Province of, deposes and says that he is over the age of twenty-one years, and that he is acquainted with the coal claim of, particularly described as follows, to wit:; that the official plat of such claim, designated as such by the Chief of the Bureau of Public Lands, together with a notice of intention to apply for a patent therefor, was posted thereon on the day of, A. D., 19...., as fully set forth and described in the affidavit of and, dated the day of, A. D., 19...., which affidavit was duly filed in the Bureau of Public Lands at Manila, P. I.; and that the plat and notice so mentioned and described remained continuously and conspicuously posted upon said coal claim from the day of, A. D., 19...., to the day of, A. D., 19...., including the nine weeks' period during which notice of said application for patent was published in the newspaper.

Subscribed and sworn to before me this day of, A. D., 19....

(Signature of official)
(Official title.)

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